



# Congressional Digest

Washington, D. C.

*October, 1926*

## Is the Direct Primary System Sound?

Nominating Methods in American History

Direct Primary Legislation in the States

Recent Efforts to Repeal Primary Laws

"Corrupt Practice" Legislation—Federal and State

Congress and the Primaries

Glossary of Political Terms

Pro and Con Discussion by

U.S. Officials—Governors—Political Scientists—Lawyers—Editors

---

Other Regular Features

---

*Five Dollars a Year*

*Fifty Cents a Copy*

# The Congressional Digest

Not an Official Organ, Not Controlled by Nor Under Influence of Any Party, Interest, Class or Sect

ALICE GRAM ROBINSON, *Editor and Publisher*

## Contents for October, 1926

|   |     |
|---|-----|
| <i>Special Feature: Is the Direct Primary System Sound?</i>           |     |
| Nominating Methods in American History.....                           | 255 |
| Growth and Regulation of the Direct Primary.....                      | 257 |
| The Presidential Primary Movement.....                                | 257 |
| Direct Primary Legislation in the States.....                         | 259 |
| Recent Efforts to Repeal State Primary Laws.....                      | 260 |
| Congress and the Primary.....   | 261 |
| "Corrupt Practice" Legislation—Federal and State.....                 | 263 |
| A Glossary of Political Terms.....                                    | 264 |
| <i>Pro and Con Discussions:</i>                                       |     |
| Hon. Arthur Capper (Pro).....   | 265 |
| Hon. Charles G. Dawes (Con).....                                      | 265 |
| Hon. David A. Reed (Con).....   | 266 |
| Hon. Robert Lansing (Con).....  | 266 |
| Hon. George W. Norris (Pro).....                                      | 267 |
| Hon. James A. Frear (Pro).....  | 268 |
| Hon. Richard Washburn Child (Con).....                                | 268 |
| National Conference of Commissioners on Uniform State Laws (Con)..... | 269 |
| Oscar King Davis (Con).....   | 270 |
| Hon. Gifford Pinchot (Pro).....                                       | 271 |
| Hon. Charles C. Moore (Con).....                                      | 271 |
| Charles E. Merriam (Pro).....   | 272 |
| Karl F. Geiser (Con).....   | 272 |
| William Kent (Pro).....   | 274 |
| F. A. Miller (Con).....   | 274 |
| Editorial, Omaha Bee (Pro).....                                       | 275 |
| Editorial, Detroit Free Press (Con).....                              | 275 |
| Editorial, Washington News (Pro).....                                 | 276 |
| Editorial, Washington Post (Con).....                                 | 276 |
| Hon. William L. Huggins (Con).....                                    | 277 |
| Charles R. Lane (Con).....  | 279 |
| <i>Other Regular Features:</i>  |     |
| Recent Government Publications of General Interest.....               | 280 |
| The Supreme Court of the United States.....                           | 282 |
| The White House.....  | 283 |

### Subscription Rates \$5.00 per Year

Terms: Published the first of Every Month, except for July and August. Current Subscription Rates: \$5.00 a Year (ten numbers) Postpaid in U. S.; in Canada \$5.25; Foreign Rates \$6.50; Current Numbers 50c a copy; Back Numbers 75c a copy; Volumes III and IV, Bound \$7.50 each; Unbound, \$6.00. Address orders to: The Congressional Digest, Munsey Building, Washington, D. C.

Copyright, 1925, by Alice Gram Robinson, Washington, D. C.  
Entered as Second-Class Matter September 28th, 1921, at the Post Office at Washington, D. C., Under the Act of March 3, 1879.

# The Congressional Digest

Volume V

OCTOBER, 1926

Number 10

## The Sixty-ninth Congress

Duration of the 69th Congress, March 4, 1925-March 4, 1927

First, or "Long" Session, Convened December 7, 1925, Adjourned July 3, 1926

Second, or "Short" Session, Will Convene December 6, 1926, Will Expire March 4, 1927

## Special Feature This Month:

### *Is the Direct Primary System Sound?*

Nominating Methods in American History  
State Laws on the Direct Primary  
Recent Efforts to Repeal State Laws  
The Presidential Primary Movement

Congress and the Primaries  
"Corrupt Practice" Legislation  
Glossary of Political Terms  
Pro and Con Discussion of Direct Primaries

## *Nominating Methods in American History*

### *Necessity of Some System*

FROM the very earliest times, wherever popular government has existed, the necessity of some method of selecting candidates previous to the formal election has been recognized. In the choice of the judges of Israel, as Mr. G. W. Lawton has pointed out, "parlor caucuses" were not unknown and the methods of the professional politicians of our own time can be found described in the quaint language of the Old Testament. Again, in the early days of Rome it was the custom for aspirants for elective office, clothed in the white toga, to plead for their own merits before the assembled voters, from which custom our word "candidate" is derived.

Coming down to later time, when the foundations of popular government in England began to be laid on the ruins of the feudal system, we find a method of self-nomination, or self-announced candidacy, similar to the Roman custom. This was supplemented by a system of nomination by small cliques of wealthy land-owners, who at that time, on account of the limited suffrage, were able to control the parliamentary elections. At the time of the settlement of the American colonies these were practically the only methods of nomination in vogue among English-speaking people, and therefore the only ones with which the colonists were familiar.

### *Nominations in the Colonial Period*

Only fragmentary information can be obtained in regard to the method of nominating candidates for elective office in the colonies. From the meagre sources at our disposal, however, it appears that in the South candidates were, as a rule, self-announced, after the English custom, and this method of self-nomination, often supplemented, as in the mother country, by an agreement among the

leading planters, continued to be the prevailing method of nomination for district officers in the Southern and Southwestern States down to the Civil War. The causes of its general disuse are to be found in its unpopularity in democratic communities, and its incompatibility with that unified action which is essential to party government.

In New England and the Middle Colonies nominations were, in some cases, also self-announced; but more frequently they were made at private conferences, or at what would now be called "parlor caucuses," of those especially interested in public affairs—that is, by the leading men of the community. Although there were no well defined and permanent political parties, nevertheless exciting political contests sometimes occurred, and there certainly existed some sort of an agreement upon candidates previous to election corresponding to the caucus or primary of later times, and there occasionally appears to have been an agreement extending through the different towns, corresponding to the modern State convention.

In addition to self-nominations and "parlor caucuses" there existed, in some of the colonies, a system of official nomination, which, in the cases of Connecticut and Massachusetts at least, was distinctly an American invention. In New Jersey, there existed at one time a system under which in each county twenty-five nominations were chosen by lot, whose duty it was to select candidates for the colonial legislature to be voted upon at the regular election.

### *The Origin of the Caucus*

With the commencement of the struggle between the colonies and the crown, permanent party lines began to be drawn for the first time. At the beginning it was a

contest between the "court party," or the friends of the royal governor, on the one hand, and the "popular" party, or the friends of colonial self-government, on the other; later the contending factions took definite names of Whig and Tory—the opponents and supporters of the colonial policy of the crown.

#### *The Pre-Revolutionary Caucus*

The caucus of the Revolutionary period was the prototype of the caucus, or primary, of today. Gordon, in his history of the Revolution, thus describes the object and procedure of the early caucuses:

"The word caucus seems to mean a number of persons, whether more or less, met together to consult upon adopting and prosecuting some scheme of policy for carrying a favorite point."

During the early period of its existence the caulkers' or caucus club was composed of a few persons who met at each other's houses and there made up lists of candidates for the annual election. Gradually the meetings at the club came to be more publicly held, and in the formation of a "ticket" a conference committee was frequently appointed to act in connection with a similar committee appointed by the "Merchants Club," another political organization of the same character.

All of these organizations were societies or clubs rather than public meetings of the voters; but they evidently performed exactly the same function as our caucuses and primaries today. The private and more or less secret character of the meetings was simply a necessary precaution to prevent the Tories from learning the plans of the patriot party. Furthermore, the appointment of a conference committee by one caucus to confer with a similar committee from each of the other organizations was nothing more or less than a rough sort of delegate convention.

#### *The Post-Revolutionary Caucus*

By the beginning of the Revolution the caucus or primary had become pretty well established in New England and the Middle States. With the close of the war it gradually lost its secret character, which had been rendered necessary by the exigencies of the time, and became a miniature town-meeting of the party voters of the ward or district. In New England, except in some of the large cities, and in those sections of the country settled by New England people, the caucus still retains its original town-meeting character; but in the other States, with the growth of population, the "primary" has come to be a mere polling place for the election of delegates to the various conventions, and of members of the local party committee; there being no opportunity whatever for any discussion of the merits of the various candidates. The inevitable result has been that the real work of nomination has largely fallen either into the hands of "parlor caucuses," or of political committees and clubs,—the power of the individual voter being restricted to a choice between candidates agreed upon at such preliminary secret conferences, or named by such organizations.

#### *The Early Congressional Nominating Caucus*

In 1800 the candidates of both the Republican (Democratic party of today) and Federalist (Republican party of today) parties were nominated at a caucus of the party members of the two Houses of Congress. The Republican caucus, which was strictly private, and the proceedings of which were never published, is said to have been held in May, 1800, at Marache's boarding-house in Philadel-

phia, and to have been attended by forty-three Republican members of Congress "besides many distinguished citizens." In regard to the Federalist caucus of 1800, our information is very meagre. It is pretty certain, however, that such a meeting was held, probably in the Senate chamber, in the early part of 1800.

In 1804 the first regularly called caucus for the purpose of nominating candidates for the Presidency and Vice-Presidency. From that time until 1824, the Congressional caucus was the regular nominating machinery. The organization and procedure of such a caucus were the same as that of a joint caucus of the party members of the two Houses of a State legislature which used to be held for the nomination of a candidate for United States senator.

In 1824, the Tennessee legislature, in its official capacity, passed resolutions condemning the caucus system in the most violent terms as "inexpedient, impolitic, and against the spirit of the Constitution." Similar resolutions were adopted by the legislatures of Maryland and Alabama. In addition to the hostile action of State legislatures, resolutions were passed all over the country denouncing the caucus system.

Although the caucus of 1824 issued an address to the Republicans of the United States, defending the system and urging them to support the caucus nominee, it was evident that the Congressional caucus system was a moribund institution. The people repudiated it at the polls, and no serious attempt was ever made to revive it. In the campaign of 1828, which was commenced almost immediately after the inauguration of Adams, the candidates were nominated by State legislatures, State legislative caucuses, public meetings, and by irregular conventions of the people. In 1832, with means of transportation, this confused and irregular system of State nomination gave way to the national convention, in vogue today.

#### *Development of the Nominating Convention*

In Pennsylvania we find that in the fall of 1789, a public meeting of the Federalist voters of Philadelphia was held in the State House yard to nominate candidates for the State legislature. In 1794, candidates for Congress and for members of both branches of the State legislature for the county of Philadelphia were nominated "at a large and respectable meeting of the Freemen." Similar conventions were held in the other counties of the State. These meetings of self-appointed delegates very soon, however, developed into regular conventions composed of a fixed number of delegates chosen at primary meetings in the various towns and wards.

The adoption of the convention in the nomination of party candidates was natural, as the people were familiar with the system in the framing of their State constitutions as well as in the ratification of the new Federal Constitution. The first period of the State convention, however, was not of long duration. Gradually the party members of the legislature usurped the power of nominating the State ticket, and by 1800 the Legislative caucus system was the prevailing method of nomination. This adoption of a less democratic method is probably to be accounted for by the difficulty of communication between different parts of a State. In State as well as in national politics the Legislative caucus was adopted as the easiest method, since the members of the legislature were already assembled, and represented most sections of the State. It must be clearly understood that so far from

*Continued on page 286*



## Growth and Regulation of the Direct Primary

IN SURVEYING the field of primary legislation, certain broad tendencies are evident. The most obvious feature of the whole movement is the gradual regulation by law of the affairs of what was originally regarded as a purely voluntary association. Step by step the advance has been made until the party is now completely encompassed by legal restriction. From the optional statutes, first respectfully tendered the party, the legislatures advanced to the passage of mandatory and compulsory acts, when requested by special localities. From local laws of this type the legislatures went on to cover entire states with a network of regulations, which now completely envelopes the party. Beginning by forbidding a few of the more obvious and flagrant offenses against the orderly conduct of the primaries, the process continued until the application of all the laws governing regular elections was finally reached. The southern system still permits party control and management of the party elections within certain limits fixed by the law.

But the primary movement did not stop with legal regulation of the party election. The next stage in the development was the substitution of the direct for the indirect method of nomination—the abolition of the convention system of selecting candidates and the substitution of direct popular choice. Originally the convention system had been regarded as a triumph of the democracy over the privileged few. Now, however, the convention was looked upon as the tool of selfish interests, largely unrepresentative of the rank and file of the party, and only imperfectly responsive to the popular will.

So swift was the advance of public opinion that even before the process of regulating delegate primaries was completed, the abolition of the convention system was demanded. Indeed some states, such as Illinois, Iowa, and Pennsylvania, passed almost directly from the unregulated convention system to the completely controlled direct nomination system. More commonly, however,

a state passed through several stages of development, beginning with the prohibition of fraud and force in primaries, extending to the regulation of the nominating machinery, and next advancing to the direct primary election, as in Michigan, Oregon, Minnesota, and elsewhere.

On the whole, within this field of direct primary legislation, the same method of advance is as evident as in that of primary regulation. There was the same transition from optional to mandatory law, from the local act to one of general application, from private to public management and control. The same exception must be made in the southern states, where much broader powers of regulation are retained by the party authorities than is the case in the North, and indeed where direct nominations are made in many instances entirely under party rules.

Finally, there is discernible a powerful movement in favor of nomination by petition only, as a substitute both for the convention system and for the direct primary. Advocates of this system regard the direct primary as particularly inadequate for the needs of municipalities, in view of the necessity of non-partisanship in such elections and the elimination of national politics from local elections. Thus far there has been no demand for the extension of this system to a field broader than that of local elections.

The forty years of primary legislation may be summarized as follows. Starting with unregulated primaries, the advance was made to the prohibition of flagrant offenses such as bribery and illegal voting, or to optional legal regulation and control; then to compulsory regulation; then on to the abolition of the convention system, and the establishment of the direct primary; and finally we encounter the demand for the preliminary non-partisan primary as in Iowa, and for the adoption of a system of nomination by petition only, as in Wisconsin.—*Extracts, see 2, p. 287.*

## The Presidential Primary Movement

SINCE 1905 individual states have taken steps to control the action of their delegates in the national (party) conventions, either by electing those delegates directly, by instructing them as to the popular preference for president, or both.

The Constitution provides a method of election that is only indirectly subject to popular control; custom and party usage have supplemented it with a nominating system that is even more complex and indirect. After 1831 the convention was substituted for the caucus in an effort to make the nominating body more representative. Under the convention system the delegates to the national conventions were chosen by state conventions, the delegates to these state conventions being popularly chosen at caucuses or primaries, or by another series of conventions. The national conventions were entirely unregulated by law, the allotment of delegates, the deciding of contests and the procedure in the convention being controlled only by party rules and customs.

The presidential primary is part of a movement to secure party responsibility through the enactment of

direct primary laws. National and state politics and political machinery are so closely related in this country that it would be impossible to secure party responsibility without controlling the national organization and particularly the national convention, which, in the last analysis, is the supreme governing body of the party.

The origin of the presidential primary is usually traced to the Oregon law of 1910. But if we broaden the term to include all efforts to control the action of the presidential nominating conventions, and not merely the instruction of delegates through a preference vote, we must look farther for the germs of the idea. In 1905 the legislature of Wisconsin passed a law providing for the direct election of all delegates to national conventions. The demand for this law was the direct result of an experience which that state had had with the convention system in 1904. In that year a struggle between La Follette and anti-La Follette groups for control of the Republican party in that state, resulted in a split in the state convention and the sending of two sets of delegates

at large to the national convention as well as the naming of two sets of nominees for state office.

Senator Jonathan Bourne of Oregon may well lay claim to being the father of the presidential preference idea, although the action of the Alabama Democrats in 1908 probably suggested the possibility of such action to him. As early as 1908 the editor of the Oregon Daily Journal (Democratic) called attention to the fact that in Alabama 2000 Democrats had filed a petition asking the State Committee to put the name of William Jennings Bryan upon the official primary ballot in order that the delegates to the Denver convention might be instructed for him. This idea was taken up by Senator Bourne and the People's Power League of Oregon and in November, 1910, a measure providing for a preference vote for president and vice-president, as well as the direct election of all convention delegates was put upon the ballot by popular initiative and was endorsed by the voters.

The Oregon idea was adopted by Wisconsin, Nebraska, New Jersey, North Dakota, South Dakota, and California in 1911, and by Maryland, Massachusetts and Illinois early in 1912. In addition, Pennsylvania and Ohio had provisions for the direct election of district delegates. New York provided that district delegates might be popularly elected at the option of the state committees.

Between 1912 and 1916 Michigan, Montana, Iowa, Minnesota, New Hampshire, Vermont, West Virginia, North Carolina and Indiana adopted some form of the presidential primary and New York, Ohio, Massachusetts, California and Illinois amended their laws. In addition Texas passed a law which was declared unconstitutional. Since 1916 only one state—Alabama—has adopted any form of presidential primary and that law was declared unconstitutional. Minnesota and Iowa abandoned their laws after one trial. Vermont repealed her law after it had been in effect in 1916 and 1920, and Montana's law was repealed by popular referendum November, 1924.

The principle of the right of the state to control its delegates found recognition in the platform of the National Progressive Republican League in 1911.

The Democratic party likewise went on record in support of direct election of convention delegates in the call for their convention of 1912, and in their platform of the same year they pledged the party to hold primaries in 1916 in those states where the laws made no provision for them. However the 1916 call simply pointed out this pledge without taking any steps toward its fulfillment. The Republican party gave tacit recognition to the right of the states to control the election of convention delegates, when, in the call for the convention of 1916 it provided that states might provide for the election of all delegates at large although it had been the custom of the Republican party to elect its delegates by congressional districts.

The majority of presidential primary laws were passed with practically no discussion of details. Where there was discussion it centered around three points: the power of the state to regulate delegates to the national party conventions; the advisability of providing for the election of delegates; and the question of electing delegates at large or by congressional districts.

The difficulty of extending the presidential primary to all of the states has led many observers to suggest the desirability of the enactment by Congress of a national presidential primary law.

As early as 1911 Senator Owen introduced a bill including provision for the direct nomination of the president. In the following year bills providing for presidential primaries were introduced by Senator Cummins and by Representatives Norris and Howland. The Progressive platform of 1912 declared for "nation-wide Presidential Primaries." When the Democratic administration came into control in 1913, impetus was added to the movement by President Wilson's message to the first regular session of Congress, urging the passage of such a measure, and four bills covering the subject were introduced. No action was taken at that time, public interest shifted to the war, and discussion of the problem was not revived until 1920, when various suggestions were made by Mr. Boots, Mr. Ray, Mr. Pulsifer, and others. In 1924 the presidential primary was again given consideration in a national party platform, the La Follette platform of that year declaring:

"We favor such amendments to the Federal Constitution as may be necessary to provide for the direct nomination and election of the President . . ."

The proposals for a national presidential primary law fall into the following classes:

1. A combination of the primary idea with the existing conventions, the sphere of action of the convention to be limited.
2. A combination of the convention and the direct primary, but with the usual order reversed, making the convention the proposal body and the primary the ratifying body.
3. The elimination of the convention with provision for a direct, nation-wide primary for nominating presidential candidates.

The passage of a national presidential primary law has been freely urged but most of the advocates of such a step show a tendency to pass rather lightly over the difficulties confronting such a program.

First of all there is the question of constitutionality. Whether a national presidential primary law would ever have been upheld by the Supreme Court is doubtful but the attitude of the court in the Newberry case\* makes it even more improbable. According to the Constitution, presidential electors in each state are appointed "in such manner as the legislature thereof may direct" and the only power given to Congress is that of determining the time when electors are to be chosen and the day on which they are to cast their votes. The present party nominating process is entirely outside the plan drafted by the "Fathers," but the intention of turning over the details of the process to the state legislatures is plain enough and would seem to put the whole matter beyond the control of Congress.

What attitude the Supreme Court might assume toward a national presidential primary law is, perhaps, an open question but there is no doubt that members of Congress consider that the Newberry decision has eliminated all possibility of such action without a constitutional amendment.

Favorable action by two-thirds of each house of Congress and ratification by three-fourths of the state legislatures is possible only if there is a very deep-seated popular demand for such action and practical unanimity as to the form which it should take. The deep-seated

\*See Article on "Congress and the Primary" in this issue.  
Continued on page 285

## Direct Primary Legislation in the States

AS AN AGENCY for the nomination of candidates for elective offices, the direct primary has been adopted and is now in use in 45 states. Connecticut, New Mexico and Rhode Island are the only states which nominate candidates exclusively by other methods. Moreover, in most states the party machinery as it now exists is created and regulated by provisions which have been incorporated in the direct primary laws. The direct primary laws vary in their complexity and wealth of detail from those which have virtually adopted and legalized existing party methods of making nominations, to the law of South Dakota, which is conspicuously detailed in its provisions. In its ideal form, all candidates who obtain office by election are nominated at the primary, but there are few, if any states in which the primary is as inclusive as that. Such tendency in the evolution of the primary as may be observed by an inspection of the laws, seems to be in the direction of restricting the primary to the nomination of local candidates, but even this tendency is not marked.

The various types of primaries now in use fall rather logically into two classes: (1) The mandatory primary and (2) the optional or permissive primary, with which latter may be included the so-called preferential primary. By the terms of the mandatory primary, all, or certain designated candidates for elective offices must be nominated by a primary. By the terms of the optional or permissive primary, all, or certain designated candidates for elective offices may be nominated by a primary, the determination usually being vested in the governing authority of the party of the jurisdiction in which the primary is to be held. The laws in either case are substantially identical, but in the six optional primary states, the law must be invoked, while in the mandatory states it operates under its own power.

### *Mandatory Primaries*

There are 39 States which have mandatory primary laws and in which primary elections are required to be held every alternate year for the nomination of candidates for public office.

### *Optional Primaries*

There are 6 states which have the optional primary plan, by virtue of which the governing authority of the party in any jurisdiction may invoke the primary to any general election. The optional primary states include Alabama, Arkansas, Delaware, Georgia, Kentucky and Virginia. In addition to these states, however, the optional primary plan may be used in the mandatory primary states under certain circumstances. In several of the mandatory states, vacancies which happen between the regular primary and the general election may, in the discretion of the party committee, be filled by a nomination made at a special primary. In Alabama and Arkansas, the use of the primary to fill such vacancies is optional.

### *Dates of Primaries*

The dates of the primaries at which candidates are nominated for the general election are scattered from March to September of the even-numbered years. There is one general primary held in March, one in April, three in May, seven in June, one in July, seventeen in August and eleven in September. Owing to the fact that presidential primaries are held separately, there are two gen-

eral primaries in California, Maryland, Montana, West Virginia, Alabama, Louisiana, Massachusetts, Michigan, New Jersey, New York, Nebraska and Ohio. These dates, of course, take no account of special and municipal primaries, which are timed to occur from 3 to 8 weeks before the election for which they are held.

### *Parties to Which Applicable*

The primary is designed to apply only to the larger parties and only those parties which cast a certain designated per cent of the vote at the last preceding election are obliged to conform with the primary law, although this restriction is conspicuously liberal in several states. The criterion is the total vote cast for governor, or for Secretary of State or for the candidate receiving the highest vote at the last preceding general election. In some cases the state vote is used and in others either the state vote or the vote in the political sub-division affected.

### *Officers to Which Applicable*

Primaries, whether mandatory or optional, do not necessarily apply to all elective officers. The application is more generally uniform as to policy-determining officers than to those whose duty is more ministerial. Among the policy-determining officials to which the primary is applied, either by its own mandatory provisions or by preference provisions which may be invoked by the electors are: President and Vice-President, United States senator, congressmen, governor, and members of the state legislature. Of the local government officials, those having charge of the management and intrusted with the expenditure of the funds of counties, townships, cities, towns and parishes, are generally included. The nomination of local judges, states' attorneys, justices of the peace and constables is frequently, but by no means always, made at the primary.

### *Single Shot Ballots*

Alabama has a provision in the primary law which eliminates ballots on which but a single name is marked. The law provides that ballots commonly known as single shot ballots shall not be counted. Where two or more candidates are to be nominated, the voter must express himself for as many candidates as there are offices to be filled.

### *Independent Candidates*

It frequently happens that the voters desire to nominate independent candidates for office subsequent to the primaries. There is a tendency on the part of party managers to discourage the practice of nominating independent candidates, and certain safeguards have been devised to insure party integrity or permit a free expression of opinion. In Arizona, candidates may be nominated by petition, but such petitions must be signed by voters who did not sign petitions before the primary and who did not participate in the primary. Arkansas permits nomination by petition without restrictions. In California, only those persons who did not vote in the primary or sign a petition for the particular candidate may sign a petition and no person is eligible for the office who was defeated at the primary, etc.

### *Non-Partisan Candidates*

In California, all judges, school, county, municipal and township officers are nominated on a non-partisan ballot;



in Iowa, all supreme, district and superior judges; in Minnesota, all judges of the supreme, district, probate and municipal courts; members of state legislatures, county officers and city officers in first and second-class cities; in Nevada, all judges of the supreme and district courts, justice of the peace, state superintendent of public instruction, university regents and school officials; in North Dakota, county officers, judges of the supreme and district courts, state and county school superintendents.

#### Registration

In practically all states which require registration for general elections, voters are also required to register for the primary. In California, any voter in registering may declare or decline to declare his party affiliation. If he declares his party affiliation he may vote both a party and a non-partisan ticket at the primary; if he declines to declare his party affiliation, he may vote only a non-partisan ticket. In Florida, the voter's party affiliation is entered on the registration books, which are preserved for use at the next ensuing primary, and no voter can change his party affiliation except by filing an application in writing 60 days before the primary. In Maryland, any voter

who declines to state his party affiliation cannot vote at the primary; a voter cannot change his party affiliation except by giving notice 6 months before election. In Minnesota and Nebraska, the day of the primary is the first registration day.

#### Sample Ballots

In California, sample ballot, containing all names in the same order as they will appear on the official ballot must be mailed to each voter at least 5 days before the primary.

#### Pre-Primary Conventions

There are two states, Colorado and Minnesota, which hold pre-primary or endorsement conventions. In Colorado, these conventions are composed of delegates selected in any manner provided by rules of the party. The convention takes only one vote on each candidate and every candidate receiving 10 per cent or more of the vote of the convention must have his name printed on the primary ballot. The names of the convention candidates are placed on the ballot in order of the number of delegate votes each received in the convention, the one receiving the largest number of votes being placed first. Candidates may also enter the primary by filing a petition,

*Continued on page 284*

## Recent Efforts to Repeal State Primary Laws

SINCE 1919 the primary system has been brought under attack in the legislatures of over half the states in which it is employed. In the 1925 legislatures attempts to repeal or weaken the primary laws were made in 19 states. The following is the list of states in which legislative attacks have been made on the primary during the last seven years. Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New York, North Carolina, Ohio, Oregon, South Dakota, Tennessee, Texas, Vermont, Washington, West Virginia, Wisconsin and Wyoming.

New York returned in 1921 to the convention system of nomination for all officials elected on a state-wide ticket. The primary continues to apply to representatives in Congress, both branches of the state assembly and county and city officials generally, but candidates for United States senator, justices of the supreme court and elective state offices generally are nominated by convention.

Idaho returned to the convention system for congressional and state candidates after a complete repeal of the primary law had been disapproved by the voters. In several other states, including Nebraska, Montana and South Dakota, repeal measures adopted by the legislatures have been rejected in state referendum.

The Illinois primary law of 1910 was invalidated in August of this year by a state circuit court. If the decision is upheld by the supreme court of the state, which has previously nullified three primary laws enacted by the legislature, the entire system of making party nominations by direct primaries in Illinois will be wiped out. Such a decision by the supreme court would also invalidate the 151 indictments returned to date by the special grand jury which has been investigating frauds in the April primary.

In two states the primary laws had narrow escapes in 1925. In Vermont the primary was saved by one vote, the deciding vote of the lieutenant governor in the Senate.

In Colorado the primary was saved by the governor's veto.

In Ohio on August 3, 1926, petitions signed by 242,000 looking to the abolition of the direct primary system were filed with the Secretary of State. The Ohio constitution requires that all nominations for elective office shall be made by popular primaries. The Ohio referendum petitions seek to have placed on the November ballot a proposed constitutional amendment which would give the legislature the power to determine how future nominations shall be made.

The New Jersey Republican State Convention at its meeting June 29, committed the party to abandoning the primary system for nominating the governor and United States senators, and sponsored a return to the convention system. The Democrats of the state, on the other hand, declared against any change in the primary law.

In Indiana the state conventions of both parties incorporated planks in their platforms looking to a return to the convention system as follows:

Republican plank—"Recognizing the evils of the present primary law, we suggest that the matter be brought to the attention of the next legislature for modification, and we recommend that it be so modified that it will restore representative government to political parties."

Democratic plank—"We believe the ends of representative government would be better served if the power to nominate all candidates were restored to the party state conventions and the primary be made optional in the lesser units of government."

While the primary has been under attack in other states, the enactment of a direct primary law for New Mexico, one of the three states which still adhere exclusively to the convention method, has been several times recommended by the governor, and Governor Smith in New York has similarly recommended a return to the state-wide primary system in that state.—*Extracts, see 5, p. 287.*



## Congress and the Primary

**ARTICLE I, SEC. 4** of the United States Constitution provides that: "The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators."

Congress has passed many laws regulating the election of federal officers beginning in the year 1842. Among such laws were the so-called "Corrupt Practices Acts" of January 26, 1907; March 3, 1909; June 25, 1910 (amended August 19, 1911, and August 23, 1912); October 16, 1918; which were repealed by "The Federal Corrupt Practices Act of 1925," passed by the Sixty-Eighth Congress and approved February 28, 1925. All these laws, however, deal with the question of elections not primaries except the amended law of June 25, 1910, which also attempted to regulate the nomination as well as the election of Senators and Representatives. The following article deals only with the question of primaries and their control by Congress.

**ALTHOUGH** primaries and direct primaries were in use in the States as early as the 60's, Congress did nothing to interfere with the existing systems of nominating Senators and Congressmen until the year 1911. On August 19, 1911, the Corrupt Practices Act of June 25, 1910, (c. 392, 36 Stat. 822) was amended to read, An Act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses." The amended act specifically mentions "primaries," section 8, reading in part as follows:

"The word 'candidate' as used in this section shall include all persons whose names are presented for nomination for Representative or Senator in the Congress of the United States at any primary election or nominating convention, or for indorsement or election of a person to fill such office, whether or not such persons are actually nominated, indorsed, or elected . . . ."

"No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election any sum in the aggregate in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: Provided, That no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum in the aggregate exceeding \$5,000 in any campaign for his nomination and election; and no candidate for Senator of the United States shall give, contribute, expend, use, or promise any sum in the aggregate exceeding \$10,000 in any campaign for his nomination and election . . . ."

In 1918 Truman H. Newberry was a candidate for the Republican nomination for United States Senator from Michigan at the primary election held August 27, 1918, and by reason of his nomination therein, became a candidate at the general election of November 5, 1918.

A Michigan statute (sec. 1, art. No. 109, Laws of 1913) provided in part that "No sums of money shall be paid, and expenses authorized and incurred by or on behalf of any candidate to be paid by him in order to aid in securing the nomination to any public office or position in this State in excess of 25 per cent of one year's compensation of salary of the office for which he is a candidate." A like limitation is put upon expenditures to obtain election after nomination. Taken with the State enactment, the Federal statute prohibited the expenditure by Newberry of more than \$3,750. He and other persons were indicted and

were convicted in the Federal District Court under this provision of this act, for exceeding the specified limit.

Upon appeal to the United States Supreme Court, Mr. Charles E. Hughes, attorney for the plaintiffs in error in the case of *Newberry v. United States* (256 U. S. 232), argued that the statutory provision in question was unconstitutional for the reason that the regulation prescribed by the statute was not comprehended within the Constitutional term "manner of holding elections"; and that the term "election" as used in the Constitution, could not be construed to include the nomination of a party candidate by a primary or political convention.

The majority of the court, in its opinion, adopted the spirit of this argument and held that the statute, in so far as it attempted to regulate the nomination of a candidate for Senator, was unconstitutional.

"The ultimate question for solution here," said the court, "is whether under the grant of power to regulate 'the manner of holding elections,' Congress may fix the minimum sum which a candidate therein may spend or advise or cause to be contributed and spent by others to procure his nomination." They answered the question thus: "We cannot conclude that authority to control party primaries or conventions for designating candidates was bestowed on Congress by the grant of power to regulate the manner of holding elections. The fair intendment of the words does not extend so far; the framers of the Constitution did not ascribe to them any such meaning, nor is this control necessary in order to effectuate the power expressly granted. On the other hand, its exercise would interfere with purely domestic affairs of the State and infringe upon the liberties reserved to the people."\*

Four of the justices were of the opinion that Congress has no power to control party primaries, Justice McKenna believed that since the Corrupt Practices Act of 1910 under consideration was passed before the Seventeenth Amendment (ratified May 31, 1913) whereby Senators were elected by direct vote of the people, the act was unconstitutional. He did not state that Congress could not control primaries after the enactment of the Seventeenth Amendment. The remaining four justices were of the opinion that:

"The manner of holding elections can mean nothing less than the entire mode of procedure—the essence not merely the form, of conducting the election. . . ."

"Why should the primary election (or nominating convention) and the final election be treated as things so separate and apart as not to be both included in sec. 4

\* 68th Congress—First session, House Committee on Election of President, Vice-President and Representatives in Congress. Report No. 721 (To accompany H. R. 8956).

of Art. I. The former has no reason for existence, no function to perform except as a preparation for the latter and the latter has been found by experience in many States impossible of orderly and successful accomplishment without the former." 256 U. S. 281.)

Some confusion arising from the Court's decision was sought to be set at rest by seeking the opinion of the Attorney General of the United States. The Attorney General, in a letter under date of November 15, 1921, to a Member of the House, which letter was inserted in the hearings before the Committee on Election of President, Vice-President, and Representatives in Congress, in the Sixty-seventh Congress, wrote as follows:

"It is my opinion that the Newberry decision should be construed as invalidating all of the provisions of the act referred to relating to nominations for the office of Senator or Representative in Congress, whether by primaries, nominating conventions, or by indorsement at general or special elections. I am also of the opinion that as to statements of receipts and disbursements to be filed by candidates for the office of Representative in Congress under section 8 of the act, the only provision now in force and effect is the one which requires such statements to be filed in connection with election of such candidates."

On January 16, 1922, (67th Congress) Senator Pomerene of Ohio introduced a resolution (S. Res. 210) in the Senate to modify the "corrupt practices act" so as to make it a rule of the Senate, and thereby avoid the constitutional question which was decided by the Supreme Court. In introducing his resolution Senator Pomerene said:

"After the decision of the Supreme Court in the case of *Newberry et al. v. The United States*, I present in the form of a resolution, a proposed new rule of the Senate to govern and control election expenditures as they relate to Members of this body. Accepting, as we were obliged to accept, the decision of the Supreme Court that the recent amendment did not give to the Congress authority to regulate the expenditures at a primary, I felt there must be some way whereby they could be regulated, so I took up the 'corrupt practices act' which was approved on August 19, 1911, and eliminated therefrom all of the provisions of that law in so far as they related to the election of Members of the House of Representatives and framed a new rule of the Senate containing provisions of the 'corrupt practices act' so far as they relate to the selection of Senators. It provides that any Senator who fails to comply with the provisions of the rule should be denied a seat in the Senate.

"The 'corrupt practices act' was approved August 11, 1911. At that time the only election of Senators known to the law was by the legislatures of the several States. The Seventeenth Amendment was submitted to the several States in May, 1912. On May 31, 1913, the ratification of this amendment was proclaimed so that it will appear to Senators that the method of electing Senators, which obtained when the 'corrupt practices act' was approved, was done away with, and there was substituted for that method the election of Senators by the people. Now, the question is, was the 'corrupt practices act,' which applied to the election of Senators by the legislatures, broad enough to embrace a method of election by popular vote, which was authorized by the Constitution at a later date?"†

On August 25, 1922, Senator Pomerene introduced another measure (S. 3603) which in substance, provided the same limitation and regulations with respect to the elec-

tion of Senators by popular vote, that the "corrupt practices act" of August 19, 1911, applied to the election of Senators by legislatures. It also provided the same limitations and regulations with respect to the nomination of candidates for Senator that were contained in the above mentioned act. Many other bills relating to corrupt practices were introduced in both the House and Senate, but no final action was taken in the 67th Congress.

On April 29, 1924, (68th Congress) Representative Cable introduced his bill, H. R. 8956, which specifically endeavored to regulate elections and not primaries, in view of the Newberry decision. It was finally passed by this Congress, and is known as the Federal Corrupt Practices Act of 1925, approved, February 28, 1925.

The Newberry decision raised a doubt as to the power of Congress to control primary elections after the Seventeenth Amendment, under Art. I, Sec. 4 of the Constitution. The question then was whether this power could be sustained under Art. I, Sec. 5, which reads as follows:

"Each House shall be judge of the election, returns and qualifications of its own members . . . ."

On April 8, 1926, pursuant to this clause in the Constitution, Senator Reed of Missouri introduced his resolution, S. Res. 195, to investigate the nominations of certain candidates for the United States Senate. On May 19, 1926, the resolution was considered and agreed to. It provided in part as follows:

"Resolved, That a special committee of five, consisting of three members selected from the majority political party, of whom one shall be a progressive Republican, and of two members from the minority political party, shall be forthwith appointed by the President of the Senate; and said committee is hereby authorized and instructed immediately to investigate what moneys, emoluments, rewards, or things of value, including agreements or understandings of support for appointment or election to office have been promised, contributed, made, or expended or shall hereafter be promised, contributed, expended, or made by any person, firm, corporation, or committee, organization, or association to influence the nomination of any person as the candidate of any political party or organization for membership in the United States Senate, or to contribute to or promote the election of any person as a Member of the United States Senate at the general election to be held in November, 1926.

Pursuant to this resolution the special Committee held hearings concerning the Pennsylvania and Illinois Senatorial primaries of 1926 and will render its report to the Senate.

On June 25, 1926, a few days before the close of the first session of the 69th Congress, Senator La Follette introduced his resolution S. Res. 261, declaring that through its provisions the Senate could practically adopt a "corrupt practices act" dealing with the primary elections of candidates for the Senate. The resolution is entitled as follows:

Resolved, That the Standing Rules of the Senate are hereby amended by adding at the end thereof the new rule, Rule XLI, Admission of Senators.

The Resolution was referred to the Senate Committee on Rules. On July 3, 1926, the Committee on Rules was discharged and the resolution referred to a special Senate Committee to Investigate Campaign Expenditures, where it is now pending.

† Congressional Record, Vol. 62, page 6871.

## "Corrupt Practice" Legislation—Federal and State

### Regulating Campaign Expenditures of Candidates for Congress

*The Federal Law relates only to "elections" while the State Laws refer to both primaries and elections.*

#### Federal

**T**HE FEDERAL Corrupt Practices Act of 1925, (Public law No. 506) was approved February 28, 1925.

Section 30 of the Federal Act provides:

A—That a candidate in his campaign for election shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions of this title."

#### State

**Alabama:** (Laws, 1915, No. 171) For Senate \$10,000 limit, for Representative \$2,500.

**Arizona:** (Laws, 1922, c.35, sec. 59) In primaries Senators are limited to \$1,500 and Representatives to \$1,000.

**Arkansas:** (Digest, 1921, secs. 3894-3907) Expenditures limited to one year's income of the office of Senator or Representative.

**California:** (Henning's General Laws, act 1327) Limit is 10 per cent of one year's salary.

**Colorado:** (Comp. Laws, 1921, secs 7559-7561, 7832) Primary campaign expenditures limited to \$5,000 for Senator and \$2,500 for Representative.

**Connecticut:** (Laws, 1921, c. 305) For nomination and election of Senator the limit is one-third of one year's salary. For nomination and election of Representative it is \$10 for former and \$15 for latter for each one thousand registered voters of the last preceding election for the candidate of Representative of the same political party.

**Delaware:** (Laws 1917 c.112) No limitation on amount of expenditures but statement of such must be filed.

**Florida:** (Comp. Laws, 1914, sec. 277) Senators and Representatives are limited only in primary elections. \$4,000 for former and \$2,000 for latter.

**Georgia:** (Park's Ann. Code 1914, sec. 92) No limitation on expenditures but reports are required.

**Idaho:** (Comp. Stat. 1919, secs. 556-557) Senators and Representatives are limited in their primary campaigns to 25 per cent of one year's salary.

**Illinois:** Has no law limiting campaign expenditures.

**Indiana:** (Burn's Ann. Stat. Supp. 1921, sec. 7111h) Limitation on expenditures for nomination and election shall not exceed \$25 for each thousand up to fifty thousand voters, and \$10 in addition for each thousand up to one hundred thousand voters and \$5 for each thousand in excess of one hundred thousand voters qualified to vote for the office at the next preceding election.

**Iowa:** (Laws, 1921 c. 197) The primary and election campaign expenditures are limited to 50 per cent of annual salary of the office.

**Kansas:** Laws, 1921 c. 184) State officers only.

**Kentucky:** (Carroll's Stat. 1918. Supp. sec. 1560b) State officers only.

**Louisiana:** (Wolf's Stat. as amended 1920, No. 44) Applies only to primaries in which Senators are limited to \$6,000 and Representatives to \$2,000.

**Maine:** (Rev. Stat. 1916, pp. 137, 179) Applies to pri-

B—(1) "Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures," a candidate for Senate may expend \$10,000 and \$2,500 for the House of Representatives; or

B—(2) An amount obtained by multiplying three cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding \$25,000 if a candidate for Senator or \$5,000 if a candidate for Representative.

mary election limiting candidates for Senate to \$1,500 and Representatives to \$500.

**Maryland:** (Buffy's Code, amended laws, 1920, c. 697) All candidates are limited to \$10 for each one thousand voters up to fifty thousand voters, and \$5 for each one thousand voters in excess of fifty thousand.

**Massachusetts:** (Laws, 1923, c. 110) In primaries Senators are limited to \$5,000 and Representatives to \$3,000 in elections to \$10,000 and \$6,000 respectively.

**Michigan:** (Comp. Laws, 1915, secs. 3828-3842) All candidates are limited in their nomination campaigns to 25 per cent of one year's salary.

**Minnesota:** (Gen. Stat. 1913, secs. 567-609) State officers only.

**Missouri:** (Laws, 1921, p. 379) Candidates for Congress are limited to \$200 for five thousand voters, for each one hundred voters over five thousand and under twenty-five thousand to \$4, for each one hundred over twenty-five thousand and under fifty thousand to \$2, for each one hundred voters over fifty thousand to \$1.

**Montana:** (Rev. Cod, 1915, pp. 977-997) All candidates are limited in the primaries to 15 per cent of one year's salary, and to 10 per cent for their election.

**Nebraska:** (Amended laws, 1915, c. 36) The amended law eliminated the phrase "Representative or United States Senator" from this act.

**Nevada:** (Laws, 1921, c. 84) Senators and Congressmen are permitted to expend amounts allowed by Federal laws governing their nomination and election.

**New Hampshire:** (Amended Laws 1917, c. 63) Senators and Congressmen are limited in their election campaigns to \$1,000 and \$750, respectively; in their primary campaign to \$100 and \$500 respectively.

**New Jersey:** (Laws, 1922, c. 242) In primaries and election Senators are limited to \$50,000 for each campaign and Representatives to \$7,500 likewise.

**New Mexico:** (Stat. 1915, secs. 2049-2065) All candidates limited to 10 per cent of one year's salary.

**New York:** (Laws, 1922, c. 588) No limitation on expenditures.

**North Carolina:** (Cons. Stat. 1919, sec. 4185) In primaries Senators are limited to amount of one year's salary and all other candidates to fifty per cent of one year's salary.

**North Dakota:** (Cons. Laws, 1913, secs. 923-944) In

*Continued on page 285*



## A Glossary of Political Terms

From "A Dictionary of American Politics" by Edward Conrad Smith

### Ballot

**Ballot**—Any printed or written voting paper. Several of the earliest state constitutions required voting by ballot, though in the South viva-voce voting continued for many years. The first ballots were not secret. Theoretically prepared by voters, they were actually printed and distributed by party organizations. Sometimes they were of odd sizes and colors so as to make it possible for watchers to determine how each man voted. Between 1888 and 1900 practically every state adopted some form of the *Australian ballot*. (A name generally given to any secret ballot prepared at public expense and distributed to the voters at the polls.) In about one-third of the states the names of candidates are grouped under offices in alphabetical order or in the party order. They may or may not have party designations following the names. In another third of the states, the names of all candidates are arranged in a party column to make identification less difficult; and in the other third of the states, a party emblem—a rooster for the Democrats, an eagle for the Republicans, etc.—is printed at the top of the column. Nearly all authorities are agreed that the present ballot is too unwieldy and that improvement should be sought in the *Short Ballot*.

**Short Ballot Movement**—The agitation for the reform of the present "long" ballot by reducing the number of elective officers. The aim is to secure more intelligent voting. Past experience has shown it is absolutely impossible for the voters to express an intelligent opinion on a great number of candidates for federal, state, county and municipal offices. The short ballot reformers propose that all State officers below the Governor and most of the local officers having technical, clerical and other purely administrative duties, should be appointed. They argue that the really important officers, who would be elected under the short term ballot system, will stand out in greater relief than they do at present, hence they will be held to greater responsibility by the people, and they can thus be trusted to appoint the minor officers.

**Split Ticket**—A ballot marked for candidates of more than one political party.

### Caucus

**Caucus**—The caucus is a primary assembly for the purpose of nominating candidates for local offices in boroughs, towns, cities, wards, precincts or districts. It often elects delegates to a convention of a larger division. The use of the term in this sense is confined to a few western States. In other parts of the country it is called a mass convention or a primary.

**Parlor Caucus**—This is a derivative term for the secret meeting of a small group of leaders or of political committees and clubs for the purpose of nominating candidates. The voters have far less power in making nominations than is generally supposed, for they are often restricted to choosing candidates recommended by such secret conferences.

**Legislative Caucus**—A legislative caucus is the meeting of the members of a party (usually the political party in the majority) for the purpose of united action in the legislative chamber. It began to make its appearance

in national politics about the year 1805. It has transferred the contest of important matters from the legislative hall to the caucus meeting, and has perverted the intention of the Constitution by practically placing the control of the legislative branch in the hands of a majority of a party which may, in fact, be a minority of the House. All elections held by legislative bodies as of the speakers of the House of Representatives, are determined in that manner, the election in the legislative chamber being merely the formal registering of the caucus decision.

**Snap Caucus**—See Convention—Snap Convention.

**Packed Caucus**—See Primary—Packed Primary.

### Convention

**Conventions, Nominating**—These are party gatherings representing the political parties of the nation, a State, Congressional, or Senatorial district or other political division which meets prior to an election for the purpose of nominating candidates determining the composition of the official party ticket, adopting a platform, choosing members of the campaign committee, and, in the case of the smaller divisions, naming delegates to the conventions of larger units.

**Snap Convention**—Snap convention is a meeting called by party officials without sufficient notice to the members of the party who are entitled to attend. The henchmen of the machine, however, receive due notification and the time fixed is always suited to their convenience.

**Two-Thirds Rule**—In Democratic national conventions the vote of two-thirds of the delegates is required to make a nomination. In Republican conventions a bare majority is sufficient.

**Boss**—The boss is a professional politician who has succeeded in gaining control of a party organization and who uses his power to dominate legislatures, executive officers, and courts, either from motives of love of power or from a desire to enrich himself.

**Boss Rule**—This is possible in American cities by reason of the great complexity of administration which renders it practically impossible for the people to follow public business through all its ramifications and so prevents the leader from being held to strict accountability, and which, on the other hand, makes it desirable for private enterprises needing some concession from the government to be able to accomplish their objects without delay and on the best possible terms.

### Direct Primary

**Direct Primaries**—The nominating of candidates by direct popular vote rather than by the indirect means of convention.

**Closed Primary**—A primary election which is limited to members of a political party.

**Open Primary**—A primary election in which voters may participate without undergoing any test of party allegiance.

**Optional Primaries**—These laws are optional with the political party which may or may not wish to invoke them.

**Mandatory Primaries**—These laws compel the political party to hold primaries as the law specifies.

*Continued on page 285*



## Is the Direct Primary System Sound?

Discussed Pro and Con by

U. S. Officials—Governors—Political Scientists—Lawyers—Editors

### Pro

HON. ARTHUR CAPPER

U. S. Senator, Kansas, Republican

SOMETHING like a clamor for repeal of the direct primary is arising from "Old Guard" members of both political parties. They don't like the way the people are using their political freedom.

Twenty years is a long time for a people to remember what happened to it two decades ago. Many things have happened in the meantime. As their memories of the brave days of privilege grow dim, the people lose the vivid picture of their political serfdom in the 90's and early 1900's, and the opponents of the direct primary with its straight-out accountability to the people (instead of to bosses) talk louder against it.

"Them were the days," indeed, the days when crooked caucuses and bossridden conventions packed with railway passes for "self and family," and liberally financed by favor-seeking interests, culminated in 10 years of muckraking exposure of wide-spread political malfeasance without parallel in our history.

It is easy to imagine how convenient the old caucus-packed convention would have been these last few years for tax-shifting purposes. One of its first acts undoubtedly would be to pass "ringing resolutions" in favor of a sales tax on the necessities of life. With that in both party platforms, the people could whistle and vote as they pleased. We would soon again be ruled by an invisible Government bent on making the public interest secondary wherever it conflicted with a private interest. And this time it might be much more difficult to dislodge that invisible ruler, Privilege.

So, all things considered, it is not surprising that hostility to the primary system grows somewhat more vociferous. Besides a big noise sufficiently prolonged can be made to sound like popular sentiment to those who like to keep their ideas in style. The power of propaganda was discovered before the World War.

If the people are not to have a voice in the nomination of their candidates for office, why should they have a voice in their election? If popular elections are to stand, nominations by primary must stand. Four times in every five the primary is more important than the election. For many states a minority party candidate has no chance whatever. The nominees of the majority party are assured of election. If the primary is eliminated, so the voter has no voice in the selection of his party's nominees, he has no voice in the election.

The people should be warned that if men are sent to the legislature whose support of the primary is in doubt, the old system will be revived and history will again repeat itself with something added for interest. This work is going forward. A number of states have crippled the primary law, several state legislatures have "improved" it to death. In other states political organizations in drummed-up conventions have repudiated the primary.

I would not be understood as entering sweeping condemnation against all persons who oppose the direct pri-

*Continued on next page*

### Con

HON. CHARLES G. DAWES

The Vice-President of the United States

PERSONALLY I believe that the primary system should be largely abolished and that if we follow the theory and plan of representative government laid down in our Constitution by providing for nomination by conventions, a better and more impartial class of candidates will result.

If the American government is to be a success the American people must vote. Indifference in the attitude of the American public toward the franchise is the greatest existing menace to American institutions. It is tending to substitute government by aggressive and interested minorities for government by the people.

Especially is this the case in State, county and city elections. The percentage of the qualified vote cast in nonpresidential years is far below the 52 per cent cast in the 1924 presidential election. After making some examination into statistics gathered from different localities I should say that in the primary contests preceding elections in nonpresidential years in State, county and city elections, North, South, East and West, an estimate that 25 per cent of the qualified vote is cast is, if anything, excessive. Since there are still two dominant political parties, the vote in most localities is quite evenly divided between them.

In such event the election of the candidates to be voted on at a future election is determined in each party by a majority or plurality, as the case may be, of only about 12½ per cent of the qualified voters. Under such circumstances men who are elected to office are thus selected by a small minority of around 7 per cent of the qualified voters.

We all realize that as our national wealth and population increase and business broadens and becomes more diversified there arises the necessity not only for the centralization of greater power in state, county and city government, but for its constant use in the carrying out of its legitimate projects.

Especially is this true in connection with state governments. Immense road-building projects are being carried out by states, assisted by the national government. Our State and city administrations are accustomed not only to use public employees in getting out a primary vote to maintain an existing administration in power, but in many places all those interested in construction or other public contracts with their organization and employees are expected to perform active service in getting out the primary vote for the same purpose.

At the time, therefore, when, owing to the indifference of the public to the franchise, the number of qualified voters necessary to control a primary election is lessening, the number of those having a business interest in the continuance of an existing administration and willing to work at the polls for it is rapidly increasing.

While the general and impartial vote is decreasing, the

*Continued on next page*

**Pro—continued**

HON. ARTHUR CAPPER—continued

mary. It has opponents in high places as well as in the common walks of life whom I respect but whom I believe to be honestly mistaken. Nor do I say the direct primary system is itself without faults, and in need of improvement, also of extensions. Properly guarded, I would make possible the nomination of Presidential candidates by direct vote of the people.

But—under no consideration would I exchange a system whereby every voter speaks direct, for any other by which a few persons have the power to speak for the majority and will of course speak to suit themselves.

We have under the controlled caucus and convention a government of all the people by professional politicians financed by special interests which they necessarily serve. There must be financing somewhere in the machine system, and the donors of campaign funds and particularly lobby funds are necessarily first served.

Charles E. Hughes, former Secretary of State, was the father of the primary law in New York State. In a speech before the National Municipal League convention at Indianapolis he cited the following advantages of the direct primary:

"First, it places a weapon in the hands of the party voter which they can use with effect in case of need. They are no longer helpless. This fact puts party leaders on their best behavior. It is a safeguard to the astute and unselfish leader who is endeavoring to maintain good standards in line with sound public sentiment. It favors a disposition not to create situations which are likely to challenge a test.

"Second, the fact of this control gives the voter a consciousness of power and responsibility. If things do not go right they know that the trouble lies with them. The importance of this assurance should not be overlooked in any discussion of the apathy of the electorate."

The statement that the primary system leads to a greater illegitimate use of money and more of it, is not supported by the facts. In one Presidential campaign one convention candidate spent more than one million dollars in a pre-convention canvass.

In the 1922 Iowa primary, Colonel Brookhart conducted his highly successful campaign for the senatorial nomination at an expense of \$453.

Under the old convention system large sums changed hands and privileges costly to the people were bartered away; conventions were packed and nominations bought. In primary contests most of the money is spent for postage and printing, for conveying information about candidates and issues.

Those who oppose the primary system virtually say the American people are not qualified for self rule. Instead of abolishing the primary it should be extended. I hope to see the day when nominations for President will be by popular primary. When that day comes we shall be getting on toward a really popular government. The people should have more to say, not less to say, in their government.

One of the first steps in extending the primary should be the selection of national committeemen by popular vote, that would give the rank and file of the parties a voice. They have none now. The primary system will be improved and extended. But the improving and extending should be done by its staunchest friends.—*Extracts, see 20, p. 287.*

**Con—continued**

HON. CHARLES G. DAWES—continued

controlled vote is steadily increasing. It is to be hoped that in most localities there is a scrupulous and proper use of centralized power, but it is not too much to say that in some States and cities the power of the administration is so exerted that the dominant party will always present candidates at the election selected by those having a business and personal interest in the continuance of the administration. Where this is the case we have changed from a representative government of the people into an oligarchy dominated by self-interest. As time goes on the evil increases.

As long as our primary system exists there is but one remedy for the situation, and that is to increase the number of impartial voters of both parties, not only at primaries but at general elections. We have lost our free government if those interested in direct business relations with government, either as employees or through contracts, are the ones who control the nomination of candidates.—*Extracts, see 12, p. 287.*

HON. DAVID A. REED

U. S. Senator, Pennsylvania, Republican

THERE IS ONE lesson that we have got to draw from this last primary, and that is that this beautiful, rosy reformation we adopted twenty years ago, called the popular primary, is an illusion. The whole country is startled, and our friends, the Democrats, are pretending to be shocked, at the amount of money that was necessarily expended in this last campaign. The people who criticize it forget that they are talking about a hard-fought primary in a "nation" of 9,000,000 people . . . to whom the lessons of the campaign and the preachments of the candidates have got to be carried . . . . . Necessarily, in all propriety, the expenditures of vast sums were required because of the silly mechanism of primary elections. We have got to get back to the convention system.—*Extracts, see 14, p. 287.*

HON. ROBERT LANSING

Former Secretary of State

THE AMERICAN political system, which has been in successful operation for one hundred and thirty-five years, is based on the general theory of representative democracy. From the first the government has been conducted through the agency of political parties acting under the rule of majorities, though in recent years the personal element has become more and more prominent and the popular choice of public officers has depended increasingly on the announced purposes of candidates and less and less upon the declarations contained in the platforms of the political parties placing them in nomination. This tendency to substitute personality for party is due, chiefly I believe, to the institution of the direct primary as the method of selecting party candidates.

So long as parties continued to support political systems, which differed more or less from those supported by their opponents, the questions and issues, which arose from time to time in the nation and required political action, were determined by applying to them principles advocated by the party in control of the government and to maintain which the party was organized.

Political issues and public questions, which do not in-

*Continued on next page*

*Pro—continued*

HON. GEORGE W. NORRIS  
U. S. Senator, Nebraska, Republican

**I**N A FREE government founded upon the consent of the governed on the theory that the people are sufficiently intelligent to be given the right of self-government, no man, in my judgment, can successfully deny the right of the people to nominate candidates, unless at the same time he is consistent and denies the right of the people to vote at general elections. A primary is nothing but an election. It is just as important as, and nine times out of ten it is more important than, the election which follows. Give to me or to anyone else or to any machine or any body of men the right and power to nominate candidates for office, and they will not turn their finger over to decide as to who shall be chosen at the general election. The history of the country is full of such examples.

Abolish the right of the people to name their candidates and the effect will be the abolition of the right of people to elect their public officials. The men who want to take away from the people the right to nominate their candidates do it on the theory that the people are not sufficiently intelligent to select their officials. The same argument, with the same weight and the same logic, applies to the general election. So often it turns out that the election is nothing in the world but a choice between two evils. The machinery that has controlled the nominations has indirectly but effectively controlled the election.

A people who are ignorant, who are too unintelligent to nominate their candidates for office, are not entitled to vote at elections, are not entitled to self-government, and ought to be living under a monarchical form of government. If I believed that our people were not sufficiently intelligent to nominate their candidates for office, I would advocate the establishment of a monarchy in America; I would be consistent at least; and, if I were not able to get a monarchy, I would surrender my citizenship in the United States of America and go to some country where there is a monarchy, if I liked a monarchy better.

From the very beginning of civilization, there has been a contest between those who wanted to go forward and those who were pulling back. There has been a continual conflict in the history of every government which has ever been founded between those who wanted the power given to a few chosen people and those who wanted to give it to all the people.

I think it is conceded that a people may be so unintelligent and lacking in education to such an extent that they are not competent to vote in either a general election or in a primary or to participate in the selection of men who shall govern them. To my mind whenever we attempt in America to take away from the people any of the power they now possess, either in voting at general elections or in primaries, we are in effect saying that the American people are not sufficiently intelligent to govern themselves.

According to the belief of the men who are opposed to the primary system, the only way to select the best men is to turn the matter over to a particular few, who, by some inherited right, are assuming to themselves that they know more than anybody else, and they must necessarily be entrusted with the power. They are assuming that they are superior to somebody else.

Our Government is founded upon the principle, as our

*Continued on next page*

*Con—continued*

HON. ROBERT LANSING—continued

volve the fundamentals of political theory, are undergoing constant change. New ones arise and old ones disappear as social and economic conditions change. Manifestly the national platform of a political party, which deals primarily with issues, is transitory and variable. It lacks continuity of purpose since it is dependent upon fluctuating conditions. Yet this is the sort of platform, which has been written in recent years, and from which we judge the character of a political party today.

It would seem, if we are to continue to conduct representative democracy successfully, that the time has come when the existing state of affairs in the political life of the United States should come to an end, when there should be an abandonment of personal government and a return to party-government. Personal government and the independence from party of elected public officials are the chief causes of the present-day tendency to introduce new and untried theories of government which are often impractical, sometimes fantastic, and in many cases entirely out of harmony with representative democracy and the federal principle, the very cornerstones of the American political systems. No doubt men ambitious for public office frequently propose novel remedies to cure the evils with which society is afflicted, in the hope that their novelty will attract and win favor with the masses who are dissatisfied with conditions as they are. Radicalism, masquerading as Progressivism, always a term to conjure with, finds congenial environment in the present confusion of political thought and the weakening of party ties. It is one of the chief evils resulting from the departure from party-government.

Another serious consequence of the lack of definite creeds is the introduction and rapid growth in the past few years of the "bloc system" in American politics. The bloc is based upon class and seeks to secure legislation for the advancement of class benefits by the election to public office of representatives pledged to class interests. The recognition of class in political government, which finds its most pernicious type Sovietism, is directly opposed to the American conception of the equality of the individuals composing the body politic and to the betterment of the common interest of all the people, since legislation benefiting a single class creates special privilege and does not confer equal benefits on the entire body of citizens.

The direct primary is responsible in no small degree for the bloc system and for its lessening the full operation of party-government. A man desiring to be elected to office in order to represent a class is able to enter the party primaries and seek a place on a regular party ticket. If he succeeds, he is nominally a party man, though actually the representative of a class. If elected, he feels no loyalty to party, is not amenable to party control and gives no support to party policies if they in any way conflict with the class interests which he seeks to advance. He unites with other members of the bloc regardless of their party affiliations. It requires no argument to prove that nominations of this character, if followed by election, are destructive of party-government and that such nominations are only possible under the direct-primary system.

The remedy for the present state of politics in this country lies in a clear appreciation by the American peo-

*Continued on next page*



*Pro*—continued

HON. GEORGE W. NORRIS—continued

forefathers said, although it is not quoted much now, that all men are created free and equal; that God has given to men certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; and that to attain these ends governments are established among men, deriving their just powers—note the word “just”—from whom? The bosses? The machine? The few elect who have said “We are the only men who know how to run a government”? No. Our forefathers did not say that, but “deriving their just powers from the consent of the governed.” That means me, that means you, that means the bricklayer, that means the carpenter, that means the farmer between the plow handles, that means the lawyer and the doctor and the dentist and the scientific men, as well as the man who has had only one training, and that is to know how to compute compound interest and not lose anything by the operation.

The history of civilization has been a contest between those who wanted to progress and those who did not want to progress, those who were in the rut and wanted to stay there, between the reactionary and the progressive. That has been the history of the world from the beginning. The abolishment of the primary is a backward step. It is a denial of the people to participate in government. A representative democracy cannot permanently stand if the people are denied the right to name their officials, and this right is denied if the law is such that a few self-appointed bosses do the selecting of candidates for office. The right to vote at election is a worthless sop if the electors have no voice in the selection of candidates.

The man who does not want to change the government and never sees an improvement would like to have lived in the days when they cut grain with a sickle; he would oppose the self-binder; he would oppose the threshing machine; he would beat the grain out with a flail or tramp it out with an ox. He would oppose any change in government. Our forefathers when they founded our Government did not claim it was perfect, but they recognized that those who would follow them could improve on their handiwork, because they did not say in that great Constitution, “This document shall never be amended; this is the supreme law and the last word in government”; but they provided for a method by which their children, their descendants, could change it to meet existing conditions. It is no reflection on them to make or advocate the changes necessary to meet the demands of advancing civilization. We can honor them most by blazing the trees in the advancing path of human progress.

Machine control of politics did not exist in our forefathers' days. Manipulation of conventions was then unknown. We are unworthy sons of noble sires if we do not meet new methods of evil by modern methods of political warfare.—*Extracts, see 13, p. 287.*

HON. JAMES A. FREAR

*U. S. Representative, Wisconsin, Republican*

**T**HERE IS a proposition throughout the country today to repeal the direct primary election law. In one State recently both conventions, Republican and Democratic, repudiated the primary, and sought to have it repealed in that State, showing that the same force is behind the repeal movement, no matter whether it be in Republican or Democratic conventions. It is acting ef-

*Continued on next page**Con*—continued

HON. ROBERT LANSING—continued

ple of the province of government, of the rightful place of political parties in the American system and of the duties of parties to the nation. Public office should be sought as a means to put into effect a definite theory of government, which should be announced in a party's national platform by declaring in positive terms the principles and precepts on which the theory is based. Having proclaimed its political creed, a party should refuse to support a candidate who declines to subscribe to its principles, even though he has captured the nomination through the instrumentality of a direct primary and though his name appears on the party ticket. Whether in the majority or in the minority in Congress, a party should determine its attitude on all public questions by strictly applying to them its announced principles. In a word, the American people ought to insist that party-government be fully restored and that personal government and government by blocs cease. This is the only way to rid ourselves of favoritism, paternalism, special privilege, and the subordination of national interests to class interests.

There are two steps necessary to accomplish this reform. First, the direct primary should be abolished, and, if the people are not willing to do this because the system appeals to them, then it should be materially limited in its exercise. Second, there should be a radical revision in national party platforms so that they emphasize principles and ignore or deal only incidentally with issues.

It will take courage for a party to attack the system of direct primaries and it will take equal courage to reform its national platform, but the American people have always admired courage and have given their support to the courageous. Representative democracy and the American political system need a champion who dares to challenge personal government and the bloc system, which seem to be today real perils in the political life of the United States.—*Extracts, see 10, p. 287.*

HON. RICHARD WASHBURN CHILD

*Former U. S. Ambassador to Italy*

**T**HE IDEA of direct primaries was good and patriotic. It was devised to take power from the old-fashioned type of political boss and put it back into the laps of the voters. It was designed to take the hand picking of candidates out of the old-fashioned political machine. It was proposed to separate to some extent money and running for office.

But those of us who advocated the direct primary are today almost driven to confess, as in the case of a lot of other new political contraptions, that the architects' plans were pretty but the structure itself often offends the sight, hearing and smell of all of us.

We did take power out of the hands of the old political boss by the direct primary. No doubt of that. But the old political boss, whatever else he may have lacked, had some measure of responsibility. He did business over long periods. He had put a tremendous investment in the building of a machine. He did not like risks. He knew that candidates of inferior quality hurt his business just as rancid butter hurts the grocer's business. It was to the interest of bosses in direct ratio to their power to pick good men.

Now, whatever the original theory, inferior men pick

*Continued on next page*



**Pro**—continued

HON. JAMES A. FREAR—continued

fectively and without concealment. The power that seeks control is far more important than all the railroad interests that have controlled political conventions and legislative bodies in the past, because this power now owns the railroads and owns the banks. It owns a large part of the press, and owns many magazines that used to do muck-raking and exposure of corruption. That power will again be in full control of legislative bodies when you repeal the primary and transfer all political control, which they will easily have through the caucus convention system. It is a matter of public knowledge under the old caucus and convention system that the same political influences frequently nominated both Democrat and Republican candidates. It is a bipartisan control under the old caucus convention system, if it can be put in force. I believe in the right of the people to express themselves in voluntary bodies, if they choose, indicating their preferences, but the selection of candidates should not be taken away from the people nor should the direct-primary system of nominations be weakened. In the State of Indiana 390,000 votes were cast in a primary election for candidates of one political party. That is twice as many votes as were cast in all the States in the Union in caucuses and conventions under the old caucus convention method.

Representative government, Federal and State, is regulated by constitutional provisions as to electors and terms of office. No method of securing nominations, however, is provided in the fundamental law, and individuals without party affiliation or candidates of parties are equally eligible to nomination and election, subject to statutory provisions. No sacred right attaches to caucuses or conventions or to the primary system as such, and men of high attainments and unimpeachable honor have been chosen under both systems.

The present primary method of nominations makes direct accountability to the people more certain, diminishes opportunities for bribery or corruption, secures laws beneficial to the masses of the people, and guarantees representative government by placing both nomination and election ballots in the hands of those to be represented. This was the issue that brought about the Australian secret ballots and the direct primary law.

The power, once gained, should not be relinquished by the people through superficial arguments as to blessings of party solidarity or political exigency from sources however high, nor weigh in the balance against the right to direct representation now secured under the primary system.

Party principles and party issues do not depend upon nominating or election methods. Principles and issues become real and sharply drawn when the voter speaks direct rather than when he speaks through caucuses or conventions that offer obstacles and blind alleys to frank, open declarations of policy.

The right to assemble through voluntary convention or by any other gathering or organization is not infringed nor limited under the primary law.

Through the medium of the direct primary every organization, whether educational, social, economic, or political, is protected in this right of direct expression, and its combined influence, however great or small, may be made effective. Under the old caucus, convention system, how-

*Continued on next page***Con**—continued

HON. RICHARD WASHBURN CHILD—continued

themselves. About the only guarantee we have as to quality of candidates is their quality of affluence. A man who is not rich is sunk in a contest with one who is. The man with money to spend on picking himself as a candidate need have no political training and no experience in the art of administration. He does not even have to be passed by any responsible or even irresponsible political boss.

All he has to do is to have the radio, throw himself on enough silver screens, print and mail enough pamphlets and pay enough workers and he is on his way. Limitation of campaign expense is always difficult. In theory it can be done, but the odors arising from Pennsylvania from the Vare-Pinchot-Pepper fight and the golden shower of useless advertising, which happened to wreck instead of make General Wood's candidacy for the Presidency, are examples of the difficulty of suppressing expenses in actual practice.

In the old system, bad as it was, a man more or less trained was more or less promoted into an office for which he was more or less fit and more or less vouched for by a more or less responsible political boss or machine. Today the candidate sells himself to the people on the super-advertising basis. We take over candidates as we might try a new brand of puffed peanuts. The puffed peanuts cost a dime and can be thrown away; the puffed candidate may stay in the Senate and make fools of us for six years. Wise observers say that the quality in our representative bodies has fallen off sadly because of the direct primary, and I believe it.

What to do? Return to the boss-picked candidate? Probably not at all. This time the first step is toward making the voters work out their own problems. The direct primary as it is today, unaltered, promises little. That little is the soft road for gilded, irresponsible and unprepared politicians.—*Extracts, see 7, p. 287.*

NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS*Committee on a Uniform Primary Act*

**A** CONSIDERATION of the principle involved together with observation of the practical working of Primary election laws, in those jurisdictions where such laws are in operation, lead us to believe that such laws are impractical and unwise, that they have not overcome the evils they were aimed at, and that they lead to other evils as great or greater than those they were intended to correct.

We append some of the reasons which move us to adopt this view:

1. The primary election plan invites a multiplicity of candidates for the various offices. Almost any citizen, however lacking in qualifications, can get enough signatures to a petition for a place on the primary ballot. As most voters do not know, or even know of, these candidates, they vote haphazard, often for the first on the list, merely because his name is first. A frequent result is that the successful candidate receives less—often much less—than a majority of the votes cast.

2. Choosing proper candidates for public office calls for the exercise of judgment. But no one can form a sound judgment without a knowledge of the necessary facts. It is quite improbable that the voters generally

*Continued on next page*

**Pro—continued**

HON. JAMES A. FREAR—continued

ever, the right is negative, because voluntary organizations whatever their titles or numbers are then subordinated to veteran wire pullers, who were familiar figures at every oldtime political convention, men who will be reinstated by any repeal of the primary.

In other words, 80 per cent of the electors, men and women, may desire a particular candidate for office, but those who control the nominating machinery year after year ordinarily will name a slate covering all officers. The influence then that determines results is not affected by numbers, as it is at primaries or elections, but rests with a small group of men whose relation to campaign purse strings of special privilege is generally intimate and who manipulate delegates with the skill of seasoned chess players.

About 20 years ago a public revolt, originating among laboring classes and farming communities, led to the enactment of State-wide primary laws throughout the United States. The people had grown weary of corrupt caucuses and unrepresenting conventions; of coercion, bribery, and indefensible practices; of recriminations among candidates; of disappointing legislative promises; and so they overturned the army of ward heelers who had been a necessary part of the old discredited system and adopted direct primary laws throughout the country.

Magazines and occasional newspapers helped arouse public sentiment by muckraking exposures until the old order was uprooted and railway passes, private cars, preferential rates, and other favors formerly granted to private individuals and public officials were made unlawful, while rebates and railway rates were prohibited or controlled by law and lives of employees and of the public received adequate protection.

This reform was made possible through the primary system, because the public could then keep close to its representatives, whether State or Federal, and in like manner political opponents became watchful of those who represented them.

Railways have ceased to control politics. The old lobbyist, with a pocket full of passes, and the caucus ward heeler have disappeared, but so have the journals and magazines that helped bring about the reform. With rare exceptions, these educational mediums have been purchased by powerful interests they now represent.

Manipulated conventions are being held by both Republican and Democratic organizations under State laws where supposedly spontaneous utterances are offered repudiating the primary. By a remarkable coincidence this declaration occurred in both Republican and Democratic platforms adopted some time ago in Maine. Both platforms asked for a repeal of the primary law enacted in 1911. The same bipartisan influences controlled both party conventions even as they controlled under the old caucus-convention system. In other words, the people of the country, the women, the farmers, laborers, the clerks, and mechanics, in fact the great mass that represents nine-tenths of the voters of the land are urged by misrepresentation and appeal to party organization to renounce rights they now possess of naming their own candidates, and are asked to turn the job over to self-appointed political leaders or bosses as of old. Not to railway bosses who have been dethroned, because long ago the railways were milked dry, but to forces that control a large part

*Continued on page 277***Con—continued**NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS—continued

could have the necessary information to enable them to form sound judgments as to the merits of the various candidates. A delegate convention would be better prepared to choose.

3. The newspapers are the voter's principal source of information in such case, but newspaper space is for sale to the candidates who will pay the price, and he or his Press Agent can print what he chooses in the space paid for, regardless of facts. How can a busy man find out the true facts, and determine his choice as a voter in this riot of purchased adulation?

4. The Primary Election System of nominating candidates will inevitably result in debauching the Press and destroying public confidence in it. This would be a great calamity. As there is no other source of general information about such matters, without confidence in the Press the voter can hardly know what to do.

5. The newspaper plan for primary campaigning is very expensive and gives a great advantage to those who are rich enough to bear the expense. The primary election system for choosing candidates tends to eliminate the poor man. Putting a legal limitation on the amount to be expended would not meet the difficulty.

6. For reasons which seemed wise to the Fathers, they gave us a representative form of Government; but the Primary System tends towards a pure democracy, and is, to that extent, a departure from the Constitutional plan, and your committee is not convinced that it is a wise departure.

7. We have hitherto lived under what many have called the two-great-parties plan or system of administration. The party which happens to be in power is responsible to the people for its management of public affairs. We have rarely had occasion to resort to coalitions for carrying on the governmental functions, as the party in power usually represents a majority. The Primary Election System is almost certain to change this by disorganizing, if not disrupting, political parties and giving us "blocs" instead of parties. The effect of this would often be to place the work of administration under minority control, and to intensify the evil of political log-rolling.

8. The Primary Election System adds greatly to the expense of government, through a multiplicity of elections without corresponding benefits.—*Extracts, see 15, p. 287.*

OSCAR KING DAVIS

*Former Sec'y, Nat'l Committee, Progressive Party*

I USED to be one of the most enthusiastic advocates of the primary system but I am now convinced that the primaries are steadily sapping the vitality of our political institutions.

The primary system appealed strongly to many independent voters who were opposed to boss rule. Many good men and women still think the primary is an effective agency for good. But I am convinced that its workings are just the contrary.

The framers of the Constitution provided an electoral system which avoided direct action by the people in choosing a president. They tried to prevent the selection of a president from being influenced by temporary public emotion. They adopted representative government.

*Continued on page 282*

*Pro—continued*

HON. GIFFORD PINCHOT  
*Governor of Pennsylvania*

**P**OLITICIANS hate the primary, and that is the most natural thing in the world. People usually hate what makes them what they regard as unnecessary trouble, and that is precisely what the primary does to politicians.

The direct primary makes it harder for the politician to bring home the bacon.

It is because they have been hampered by it that politicians all over America have seized eagerly on the scandalous expenditures in the recent Pennsylvania senatorial primary election as a pretext for abolishing the direct primary.

Nobody demands that the automobile be abolished because it kills thousands of people each year. Nobody wants to do away with the water supplies of our cities because a main has burst somewhere and flooded a part of one town. What we should do is not to wipe out the thing that usually serves us well, but to improve the regulations and strengthen the weak places.

No one with any sense of public decency can deny that the expenditure of \$1,500,000, that sum spent by one side in one primary in one State, is an abomination and a disgrace. But buying nominations under the primary system is the exception. Under the convention system it was perilously close to the rule.

I cannot speak with first-hand knowledge of other States but I do know that in Pennsylvania the very men who are most guilty in the present scandal are those who are foremost in demanding a return to the convention system. The men who debauched the primary in Pennsylvania are the men who now ask that it be abolished because they succeeded in debauching it. That is like a murderer asking that the law against murder be abolished because he has killed a man.

The remedy is not to destroy the most powerful means yet devised for giving the people a chance to run the Government, which, in theory, is their own. The remedy is to regulate primary expenses. I suggest the following as two most necessary and effective steps:

Limit by law in each state, on a basis of the voting strength of each party, the total amount that can be spent, for a candidate or a group of candidates and let that total include every expense of every sort. To limit expenditures and then exclude from that limit the principal items of cost would merely leave us where we now are. The amount set should include everything without exception.

Every candidate should be required to appoint a responsible agent, through whom, and only through whom, every expenditure of every sort from every source should be made. Any expenditure for a political purpose through any other channel should be forbidden on penalty of a jail sentence. This means that no individual, no financial or industrial group, no county, State, or other political committee, no organization of any kind whatsoever, should be allowed to spend a cent except through the financial agent. And, furthermore, violation of the law by the agent of the successful candidate should not only cost the agent his liberty, but also cost the candidate his nomination.

With such provisions as these, clean primaries would be the rule and people would have a real chance to name their own candidates.—*Extracts, see 8, p. 287.*

*Con—continued*

HON. CHARLES C. MOORE  
*Governor of Idaho*

**I** AM CONVINCED that the inevitable effect of direct primary laws undermines our representative form of government, and that most of the unrest and instability which has arisen in the past decade has been due to the increasing number of laws of this character which have been in operation. Our country has become the greatest in the world because we have had a representative form of government. In the past generations the representative system of nominating candidates has produced great leaders and great statesmen. The primary exalts the demagogue. The representative system has produced leaders. The primary system produces followers. The representative system has permitted the sober second thought of the people to prevail. The primary fans to a flame the passion and the prejudice of the moment. The representative system is one in which principles hold the stage. The primary but promotes the ambition of the individual, and it is in this soil the demagogue best flourishes. The greatest menace to the security of our liberty and the efficiency of our government is the man who would seek to capitalize each fleeting prejudice for his own advancement. Alexander Hamilton once said:

"A dangerous ambition more often lurks behind the specious mask of Zeal for the rights of the people than under the forbidding appearance of Zeal for the firmness and efficiency of government. History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have over-turned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the people; commencing demagogues, and ending tyrants."

It is this class which is developed by the direct primary system. The danger to our republic may not be immediate, but I am convinced it is very real.

The history of the world has demonstrated that organized effort is essential to success. The combined efforts of individuals agreeing upon a policy or a plan is necessary before such policy or plan can be successfully applied. We organize in our religion and our charities. We organize in our business. We organize in our recreations. Our chambers of commerce, our business clubs, our lodges, the very primary league which the instigators of this bill found it necessary to promote to further their purposes, all testify to the necessity and power of united effort. What is true of our every day activities is no less true of affairs of state. Political parties are but associations formed by citizens holding similar ideas as to principles of government. Such associations insure order in the administration of our political affairs—without them there would be chaos.

A few days ago we celebrated the anniversary of the birth of Lincoln, the greatest statesman the world has ever known. No man was more beloved. No man's judgment and actions have had greater part in guiding the destinies of this nation. He was a firm believer in political parties, and he as firmly believed in the necessity of organized and unified effort in the translating of political principles into governmental acts. He openly and enthusiastically advocated the convention system of nominating candidates, and, to drive home his argument for the necessity of such conventions, he used this language:

*Continued on page 283*



**Pro—continued**

CHARLES E. MERRIAM

*Professor of Political Science, University of Chicago*

THE DIRECT primary was established in the United States as a protest against the unrepresentative character of the old-time convention. The abuses of the delegate system had produced widespread dissatisfaction and a general feeling that the conventions were in many cases controlled by or closely allied with greedy and selfish industrial interests, and that the convention system was admirably adapted to management by the "invisible government" of the industrial-political magnates. Numerous instances in which the public will was defied, cases of bribery and corruption of delegates, prolonged deadlocks, bitter factional struggles, bargaining and trading of offices for the support of delegates—all contributed to the general conclusion that the convention was too remote from the general party, and that its results did not fairly represent the judgment of the rank and file of the party. If the primary is to be effectively supervised by the State, whether it is held for the purpose of making direct nominations or of selecting delegates to conventions, the public expense will be about the same in either case. The rental of polling places, payment of election officials, the printing of ballots, the canvass of voters, are as expensive in one system as in the other. If all direct primary laws were repealed, and the regulated delegate system retained, the public expense would not be materially reduced.

Furthermore, as practical experience shows, if there is a real contest for nomination, the expense to the candidates who are campaigning will be about as great under the delegate system as under the direct primary system. If there is no contest, there will be no expense, whether the primary is direct or indirect. If there is a contest, the expenditures will not vary greatly under the different systems.

There is much insincerity in the popular discussion of campaign funds, but there is little evidence to indicate, and none adequate to demonstrate, that the use of wealth in direct primaries is more effective than in the election of delegates and the control of conventions. The real question is not whether the nominal campaign expenditures are larger in one system than the other, but whether plutocratic tendencies control more easily under one system than another. On the whole, the elaborate mechanism of delegates and conventions is more easily managed by special interests than in the primary. It cannot be forgotten that the conventions have often been controlled by small groups of men, representing wealth and privilege, who have bought and sold delegates like so many cattle, either by direct cash payment or by indirect but material inducements. It is true that voters may be bought and sold in direct primaries, and sometimes are, but they may also be bought and sold in electing delegates; and in addition to that the delegates may be bought and sold.

In many instances the primary vote is unquestionably small, although on the whole far exceeding that under the delegate plan. But to condemn the direct vote because all of the party do not participate in it is like condemning universal suffrage, because all who are eligible do not vote. In 1920 some 54 per cent of the adult citizens of the United States did not exercise the suffrage in a contest over the most important elective office in the

*Continued on next page***Con—continued**

KARL F. GEISER, PH. D.

*Professor of Political Science, Oberlin College*

ONE CANNOT carefully view the direct primary in theory and practice from its various angles without skepticism as to its merits.

New York, one of the first states to adopt the direct primary idea, has returned to the convention system for the nomination of certain candidates. Idaho has tried the direct primary, found it wanting and has returned to the convention system for state officials with apparently general satisfaction in the return to the simpler method. It is safe to say that at present in most of the states where the direct primary has been statewide and applying to all elective offices within the state, there is a general movement to return to the convention system for general state and judicial offices, or for a modification of the law in some form toward a deliberative process such as a convention affords.

Nor can it be truly said that the opposition to the primary comes entirely from the politicians or machine men of the party. To say that opposition to the direct primary always or even generally comes only through sinister influences, is to simplify the problem beyond recognition and come to conclusions that a study of the undercurrents of the movement does not justify.

The primary has not fulfilled the expectations of its early advocates; it has not brought forward better candidates in general; it has made elections more expensive; it has not increased the popular interest in elections to the extent that was anticipated; it has not rid our political system of the boss; it has made it easier for the demagogue; it has degraded the press; and most important of all, it has, by adding a long list of names to the ballot, made it impossible for even the most intelligent and conscientious citizen to express a discriminating choice at the primary polls.

It has lowered party cohesion and therefore responsibility, by taking from the organization the power of selecting candidates, thus causing a general loss of interest in the final outcome of election. When every one may easily become a candidate, interest wanes by the mere fact of numerous names of uninteresting and commonplace candidates who appeal neither to the imagination nor the intelligence of the average voter.

In the very nature of the case, where the organization does not select the candidates it does not and cannot be held responsible to the voters for the quality of candidates selected, nor for their faithful performance of duty while in office. That this is true may be seen from the fact that where a candidate is strong enough to get himself nominated against the wishes of the party organization, he invariably appeals not only to the voter of his own party, but also to the independent and even the opposition party. Thus in the last election in Ohio, a candidate for the General Assembly who received the nomination on the Republican ticket at the primary, sent one of his workers to a Democratic political meeting to appeal for votes. The fact that such a candidate is refused the endorsement of the party leaders in the machine party organization necessarily makes for non-co-operation.

Why discuss the question of party responsibility or quality of candidates, or any other question pertaining to popular control of government, when the chief agency

*Continued on next page*



**Pro—continued**

CHARLES E. MERRIAM—continued

world—the choice of the President of the United States. Hence, 50 per cent of the party vote might be considered a fair proportion of the party electorate. And such a vote, or a larger percentage, is usually polled in an important election. In fact, if we consider that many who vote in the party ticket do not reckon themselves as partisans, and will not openly affiliate with any party, the percentage of those voting to the available party vote is materially greater. The frequent failure of the voter to exercise his hard-won franchise is one of the surprises and disappointments of modern democracy upon which all observers have gravely commented, but in view of the newness of the vote and the recent rise of universal and compulsory education, it need occasion no surprise. The tendency is for the vote to increase steadily as men and women become accustomed to the common burdens of their common life, assumed with the adoption of self-governing forms of political organization.

About half of the states are one-party states where the primary is of the very greatest importance, for here the election is practically decided. Legislators, governors, and United States Senators in many parts of the country are practically chosen in party primaries. In these instances, and there are many, the primary of the majority party is of the utmost consequence, for whatever its outcome, it is not likely to be overthrown in the subsequent election. In such cases the majority primary calls out a very large vote, while that of the minor party is of less consequence and perhaps slimly attended.

The direct primary is of special importance to women voters for a very definite reason. In conventions the number of women delegates is very small, perhaps five or ten per cent of the total number. In the primaries, however, the percentage of woman's vote is much higher—perhaps 40 per cent of the total vote. It will be some time before women are as fully represented in legislatures or conventions as are men. For the present, their influence may be much more effectively exerted under the direct primary system than under the delegate system. Curiously enough, it is proposed that just as women are given the right to vote, the system under which they might most effectively act shall be changed to one under which their influence will be less powerful. It is not surprising that alert leaders of women are found against the repeal of the direct primary laws in the states,

The significance and value of party leadership must not be ignored, but the lack of it can by no means be attributed to the direct primary system.

When it is said that the direct primary stands in the way of more adequate leadership, it is pertinent to ask just what is meant by such leadership, and what stands in the way of developing party leadership at the present time either by party rule or custom? My observation is that the prevalence of spoils politics, the lack of state issues, the form of the state government, stand in the way of leadership, rather than the way in which the nominations are made.

The direct primary cannot guarantee the uniform choice of competent men any more than can the elective system itself. It opens an easier avenue of approach, but cannot carry us through to the goal. The primary will not automatically overthrow the boss or the machine, but it provides a way of approving or rejecting selections, or of

*Continued on next page***Con—continued**

KARL F. GEISER, PH. D.—continued

through which the voter has access to his political institutions is so cumbersome that he cannot operate it? Why theorize concerning the results of a system which in fact cannot be applied to the purpose for which it is intended? For example, in the Ohio primary of (August 8, 1922) the voter of Cleveland who received the Republican primary ballot was asked to choose candidates for 43 offices from a list of about 175 names, obviously an impossible task, when one considers the five-minute time limit that may be imposed upon each voter in marking the ballot.

A somewhat extensive personal inquiry among the voters in the village of Oberlin, having a population of about 5,000, revealed the fact that not a single voter who was asked whether he had been able to make a discriminating choice for every office on the primary ballot answered in the affirmative; not even the members of the party committee, though their knowledge of the candidates was more extensive than that of the average voter, could give adequate information concerning all of the names on their own party ballot. These are facts that must be faced in every consideration of the question of party responsibility, and in every attempt to bring government more directly under popular control; for the conditions imposed by these facts must be overcome before even the most enlightened electorate can gain access to those who control and administer the institutions and laws of a community or state.

The regular election, taken by itself, though usually less complicated than the primary, results in irresponsible government because of the confusion of issues with candidates; and the primary has aggravated the difficulty. It has raised high above the heads of the average voter a mechanism too difficult to comprehend and consequently too difficult to operate successfully. It has assumed the false premise that the problems of government depend for their solution upon a wider popular contact, rather than upon a deeper and higher intelligence. The cold fact that government is an extremely complex institution and that political intelligence is extremely simple, must ever remain as the anchor of political reform; and progress towards good government must always be conditioned upon the fact that the electorate, though honest and of good intentions, can operate through the electoral franchise only the simplest forms of machinery.

While many states have apparently modified their primary laws upon the theory that direct nomination is least objectionable for county and local offices, the last Ohio primary election shows that in many cases county officials, to take a single example, were nominated by a large minority of the total votes cast. Thus in Lorain County, nine candidates running for the office of sheriff on the Republican ticket, received a total of 10,889 votes; but the successful candidates received only 3,064 votes, or about one-third of the total number of votes cast. Questions: Was he the choice of the party? Upon any conceivable theory of responsible government, what portion of the total voters of all parties in the county does he represent?

In conclusion the direct primary has decreased party responsibility because:

1. It has tended to break down party organization and destroy united party action.

2. It has retained for popular nomination and election

*Continued on next page*

*Pro—continued*

CHARLES E. MERRIAM—continued

introducing new ones. The rank and file of the voters unquestionably act more readily and effectively through the direct nominating system, and the effectiveness of popular control is thereby increased. If the party organization fairly represents party sentiment, it will win whether the nominations are made directly or indirectly; but in case of serious conflict the direct vote seems to give a better opportunity for popular success than the delegate method.

The return to the convention system would not help the political party. On the contrary, it would probably injure the party by causing still further loss of public confidence in its organization and methods. The parties have already suffered heavily in public confidence and can ill afford additional losses. Wise and far-seeing leaders would move forward rather than backward. They would endeavor to attract public interest and support by improvements in methods of transacting party affairs. Men and women are beginning to discover that they can influence governmental action without the agency of parties. The labor unions, the farmers' organizations, the associations of commerce, vocational and professional groups of all kinds, are tending to pass the party by. Party managers might well attempt to secure the sympathy and interest of these voters instead of closing the door of party activity to them, and making their effective participation in party councils still more difficult.—*Extracts, see 23, p. 287.*

WILLIAM KENT

*Former Member of Congress*

IT IS NOT a question of whether the direct primary is perfect—it is a question of whether it is better than something else. It is not a question of whether its results are satisfactory, but a question as to whether there is under it less selfish domination, less possibility of perversion than under the representative and convention scheme.

Take the direct election of United States Senators, as opposed to the ancient methods of selection by the legislatures. It has not resulted in uniform choice of the most able candidates. It has, however, resulted in putting the responsibility back where it belongs—on all the people. It has made it more difficult for particular special interests to select personal representatives in this great governing body. It has saved the time and effort of the legislatures for the real tasks of the several states.

Democracy will assuredly fall by the wayside unless it be a government coupled up with direct public interest and providing schooling for its exercise. Direct democratic legislation calls for education in citizenship, however adequately it may be furnished or realized. Inherently, and of necessity, the direct primary calls for a shorter ballot, for consolidating government, as far as possible, and for every possible limitation on the number of elections. It calls for the outlines of definite policies worthy of public consideration.

Any community is hopeless when called upon not only to consider issues, but also to learn the political game practiced through its infinite complexities under boss rule, by the majority of a majority, of a majority ad infinitum, which final majority may consist of two men. The direct primary gives a free and open chance both to the candi-

*Continued on next page**Con—continued*

KARL F. GEISER, PH. D.—continued

both administrative and policy-determining offices, thus creating a still longer and more incomprehensible ballot than we had under the old system.

3. By assuming that all public offices should be open to all citizens, it has encouraged the fallacy that all citizens are qualified; with the result that so many run for office that the average voter cannot detect who are not qualified.

4. It is illogical in that it accepts representative institutions and at the same time denies faith in them, by directing candidates elected to office, instead of trusting them to their best judgment.

5. It assumes that the function of the elector is to govern, rather than to see that good government is enacted, by changing government from a Republican to a Democratic form.

"The spirit of democracy is corrupted," says Montesquieu, "not only when the spirit of equality is extinct, but likewise when they fall into a spirit of extreme equality, and when each citizen would fain be upon a level with those whom he has chosen to command him. Then the people, incapable of bearing the very power they have delegated, want to manage everything themselves, to debate for the Senate, to execute for the magistrate, and to decide for the judges. When this is the case, virtue can no longer subsist in the republic."—*Extracts, see 21, p. 287.*

F. A. MILLER

*Editor, South Bend (Ind.) Tribune*

ADVOCATES of the direct primary conscientiously believed that it would attract to public office a higher type of citizenship and more competent persons than were obtainable under the old methods. Theoretically it should do so, but the theory has not worked out and, with here and there exceptions, the people are not given the type of officials they had expected the primary would produce.

Under the Indiana primary it is possible for voters of one party to vote for candidates of another party and then in the election, vote their own party ticket and thus cause the defeat of the one they helped nominate besides nullifying the object of the primary. It therefore must be clearly apparent that instead of government by political parties the primary invites and permits government by groups, classes and other minorities and aids in political trickery.

The primary creates an inclination to nominate a man because he is a good fellow, an orator, a controller of crowds or a pleasing personality rather than because he possesses qualifications to make a competent and accommodating official. Therefore, men really capable, who would go before a convention, will often hesitate to make the race before a primary. Applied especially to local offices the primary causes sympathy and sentiment to prevail over ability. Voters deliberate too lightly or not at all on qualifications and vote to nominate because a candidate is a friend, has done a favor or attracts their attention for some cause other than actual ability. The primary does not promote efficiency in office or high quality in candidates. In fact, the opposite is true.

It has been argued by the unthinking that the primary permits a free, unprejudiced vote by the people.

*Continued on next page*

**Pro—continued**

WILLIAM KENT—continued

date and to the people. If the candidate can fool the people, at least they have had the benefit of being fooled, and may be less easily fooled next time. It is their fault, and the remedy lies in their succeeding action; whereas under the delegate system all they can do is to mumble and mutter, and feel that they have been wronged, with the moral impressed upon them that none of it is worth while, and they might as well refrain from participation.

Without doubt or question, looking toward the means of self-government, there accompanies the direct primary the initiative, the referendum, the recall, giving the people continuing control over those whom they have put in positions of power and trust. By such means there are checks upon the treason of looting of public assets and debauching justice, and a speedy penalty, apart from the interminable delays which the law throws about public offenders.

If the direct primary is unsatisfactory, it is due to the unsatisfactory nature of humanity. If democratic government is a failure, if people when given clean-cut opportunity to protect themselves and to participate in self-government do not exercise it, then we are thrown back into the weary, unending circle of despotism, followed by revolution, with loss, misery and impoverishment, with attempted rescues by despotism—and over and over again.—*Extracts, see 22, 287.*

EDITORIAL, OMAHA BEE

**A**S REGULARLY as the primary election is held in Nebraska do we hear criticism and complaint concerning its workings. Most of these rest on matters that are uncontrollable by law. The object sought in the primary election is to permit the voters to select their own candidates. By this method it was reasonably expected that dissatisfaction arising from the old convention system would be done away with. Whether the new plan has worked as well as was expected, or whether it has failed in some respects is not for us to say. It has done what the promoters of the plan expected it would, put the responsibility for the nominations on the people themselves. We still hear complaints of bosses and rings and combinations and the like, but the final answer must be that the people named the ticket.

The primary law is a human device, and therefore imperfect. If it bumps and bucks at times, eventually it gets there. One of the most frequently heard complaints is that under its operations voters of one party may exercise considerable influence in naming the candidate of another party. The ready answer to this is that the rule works both ways. In the legislature of 1921 some 41 nonpartisan leaguers turned up in the house holding jobs to which they had been elected as republicans. That a deception had been practiced on some voters by this trick of the nonpartisans is admitted, and yet, under their designation, they justified themselves in using the label of an organization whose platforms and policies they opposed.

At a general election the voter is allowed to make his selection among all the candidates, and the results always show that this has been liberally exercised. The difference between a primary and general election is clearly drawn by the law, yet we know of no plan whereby the voters of one party can be limited to that party. Where

*Continued on next page***Con—continued**

F. A. MILLER—continued

The fact is, the primary vote can be easily influenced if a candidate has money and the organization. This has been proved frequently. It is argued that the primary does away with the political boss. Does it? It may be more difficult to control a primary than a caucus or a convention, but it can be done, is done and will be done more than ever if the present primary system continues.

The expense of the primary to the voters is not in keeping with the results. Had the results proved in actual practice what the advocates of the primary believed the expense might be justified, but in the majority of instances the people have less competent officials than under the old system.

What shall take the place of the present primary? That remains to be worked out and can be worked out. Almost anything is better than the present method and the results under that method.—*Extracts.*

EDITORIAL, DETROIT FREE PRESS

**I**F THE ADOPTION of the primary ever had any adequate justification, which we doubt, the institution has long outlived its usefulness. The majority of voters consider it a nuisance and treat it as such, and those who watch the effect of it, find that it is an active menace where it has full sway.

Under the primary system there is no definite center of responsibility to act as a balance wheel and check. This pernicious defect was not very apparent when the system was first adopted because the old party organizations then were in a healthy, robust condition, and for a time ran on momentum and functioned almost automatically.

But now they have long since ceased to operate except nominally in fields where the primary reigns. And today the person who becomes a candidate for nomination to office and ultimately becomes a nominee, has no sponsors who may be called to account for him in case he turns out to be a "dud."

The office seeker in turn is free from any allegiance to principle or party platform unless he chooses to make himself voluntarily accountable. He is largely a law to himself, and consequently the primary system has a strong and constantly growing tendency to bring about a government of individuals rather than a government of principle. It has in it the seed out of which autocracy is born, though up to the present moment it happily has only gone so far as to create a heyday for demagogues.

Even when the party organizations gave up the ghost as directing forces in the selection of nominee, there was still some safeguard against the worst perils of the primary as long as the mass of people took an interest in the institution. Indeed an alert electorate saved the situation for so long, that a good many even among those who knew that the primary system was unsound, began to hope they might have been mistaken in their misgivings. But now even the safeguard of popular interest has vanished.

Anybody who keeps track of the record of the number of votes cast at primary elections year in and year out knows that we have nominations and consequently elections by a small minority of the electorate, which unfortunately does not as a rule even speak for a cross section of the public, but ordinarily represents a small class made up principally of those that have axes to grind or who

*Continued on next page*



*Pro*—continued

EDITORIAL, OMAHA BEE—continued

they are registered as affiliating with one or the other of the organized parties, there is some chance to control, but throughout the state, where the great mass of the voters are not so hampered, an open primary is bound to result. In fact, that has been demanded by some of the minority groups, that they may have opportunity to slip in candidates here and there whom they otherwise cannot hope to get on the ticket.

That is about the worst that can be said of the primary. The fact that unknown men occasionally receive the nomination may have an explanation in the fact that sometimes the voter picks the stranger because he knows the other fellow too well. Expense of making the campaign is a matter for personal regulation. The law has fixed the amount the candidate is permitted to expend, but nothing is said as to what may be expended in his behalf by others. Publicity is vital to one who seeks a nomination outside his own bailiwick. Nebraska has not yet been required to sustain the experience of some other states that have been deluged with money during a primary campaign. The danger, however, is always present. Wherever an electorate is corrupted by the lavish use of money, the voters are as blameworthy as the candidate.

No likelihood exists of a return to the old convention system of making nominations in this state. Defects in the primary law may be remedied as experience discloses them. At least, when weak points are disclosed, the voters will know what to guard against. There is only one possible change that might be accepted by the people, and that would be the so-called short ballot form. Even this requires a constitutional amendment.

Nebraska's constitution provides for the initiative and referendum, the primary election, and in general locates the power as well as the responsibility for government in the citizens. Whether this is wise or not, it is the will of the people. Now as ever, the will of the people is the supreme law. It may be exercised whimsically, even fantastically, but still it is the will of the people. Democracies are disorderly, but as long as all share in the disorder, it does not become anyone to complain about it. And it is recorded in history that the citizens of a Greek community once banished their best citizen for no other reason than that he was their best citizen.—*Extracts, see 16, p. 287.*

EDITORIAL, WASHINGTON NEWS

*"Primaries Need Not Be Expensive"*

**I**N OREGON—unlike Pennsylvania—there is a primary law that works, and the people seem to like it. It works so well that no primary has ever cost over \$20,000, and candidates who are unfriendly to the law are defeated.

In Oregon, as in other states, the bosses and professional politicians are unfriendly to the primary system. They would like to go back to the boss and convention plan. But whenever they are tempted to try the return, they remember 1910 and change their minds. In 1910 one Jay Bowerman, Republican, ran on an avowed platform for a return to the convention system. Although the State is normally Republican, Bowerman was defeated by Oswald West, Democrat, who stood for preserving the primary act.

In the recent Senatorial campaign, which resulted in

*Continued on page 279*

*Con*—continued

EDITORIAL, DETROIT FREE PRESS—continued

hope to "get something out of it." More and more of our public officials are being selected for us by persons who are practically "professional voters."

A general intelligent interest in primary elections might operate as a temporary palliative for the situation. But the only cure is repudiation of the primary system and the substitution of something that will re-create government based on platform, principle and responsible representation.—*Extracts, see 17, p. 287.*

EDITORIAL, WASHINGTON POST

*"The Vicious Primary System"*

The evils of the primary system were forcefully shown in the recent primary in Pennsylvania. The successful Republican candidate, Representative Vare, announced that it cost him \$71,435 to win the nomination, and he did not get a majority vote at that. Governor Pinchot spent \$43,767 for the distinction of being last in the race, and Senator Pepper expended \$2,500. Representative Phillips, who ran for the gubernatorial nomination and finished fourth, was out no less than \$91,000. These sums represent only a part of the enormous amount spent at the primary, inasmuch as others who were aspirants for State office have not reported. When the total expenditure of the candidates and organizations is made known it will show no doubt that hundreds of thousands of dollars were wasted.

It has been remarked many times that the standard of public servants has deteriorated since the primary system came into being. Many, if not most, of the public men of today are strongly opposed to the primary. The late President Harding, in speaking at a Lincoln Day dinner in Washington a few years ago, denounced the primary as undemocratic, wasteful, impractical, and unnecessary. He declared that it opened the way for corrupt practices and that it did not, as its supporters contended, reflect the true sentiment of the voters. The primary system has provided opportunity for men wholly unfit to serve the public to force their way into office.

Not only has the primary lowered the standard of those who fill public offices, but it has led to numerous charges of corruption and has cost the taxpayers a great deal of money. It means, in fact, that the election machinery must be set up twice every election year, which of course, doubles the cost to the State or district. The old system of nominating by State convention imposed practically no expense upon the taxpayers. Delegates to these conventions paid their own expenses. Candidates could not spend great sums in securing nominations by conventions without being found out; and laws against corrupt practices are more easily enforced under the convention system than under the primary system.

No candidate should be compelled to run twice and pay great sums for campaign expenses. First-rate men will not do it. They prefer to remain in private life. The country has been deprived of the services of highly desirable men because they would not and could not compete with unscrupulous rich office-seekers in primary campaigns.

The primary is a nuisance because it is practically a duplication of the fury of an election campaign; it is a menace because it opens the way to corrupt use of vast sums of money; it is unwise because it tends to put inferior men in office. It should be abolished.—*June 4, 1926.*



*Pro—continued*

HON. JAMES A. FREAR—continued from p. 270

of the business and public press of the land that instigate powerful propaganda able, if need be, to force nations to declare war or to shift billions of income taxes to "painless" sales taxes, a proposed heritage of war. These are past and proposed achievements of the primary repeal program. In several States modifications have taken the teeth out of the primary and already have removed direct accountability from the people over to the "party organization," as of old.

A repeal of the primary may seem improbable, but those advocating the old caucus convention system long ago learned that men will sign petitions to hang themselves and that constant reiteration of hypocritical professions and propositions, like vice, is first rejected, then pitied, then embraced.

I have no desire to discuss the comparative strength or weakness of candidates under the caucus-convention system, compared with the primary. This is a large subject, nor do I question those who conscientiously defend the old system, nor does any man claim that improvements may not be found in present primary laws, but is it not noteworthy that practically every believer in the spoils system, in the divine right of politics and power, in discredited manipulation methods which recognize ward workers, bosses, and leaders rather than principles, that all these elements favor taking the powers away from the people and returning to the caucus-convention system, and in many States they are selecting legislative candidates to carry out their purposes.

Objections are urged against the primary insidiously and assiduously by these influences. The primary, they say, is not a public expression of choice, because sometimes only about one-half of the voters participate. Granted for sake of argument, depending on importance of issues, yet under the old-time caucus system a half dozen tried and true political wire pullers ordinarily made up the average caucus with not 5 per cent of the total registered vote attending. On immaterial matters delegates and offices were traded in conventions like huckster offerings at a fish market, having in mind primarily particular candidates or interests concerned. Ten voters now attend the average primary as evidenced by the recent Indiana primaries, compared with every voter who formerly went to the old-fashioned caucus, because voters now have a direct voice in the final result and are interested in candidates selected. They only served as spectators under the manipulated caucus and convention system. That is the position to which they would again be consigned by those advocating any material "modification" or repeal of the primary.

An objection offered to the primary urges lack of intimate knowledge by the electorate of the qualifications of candidates, many of whom are unknown, even by name to the average voter. Admitted for the sake of argument, it is equally true that candidates selected at conventions are often slightly known to a majority of the convention, because nominations frequently occur through trades and manipulation of party bosses and candidates of the different States, nor is knowledge of the delegate knowledge to the elector who frequently does not know the delegate and would not trust his judgment if he did know him.

The primary purpose of the primary is to secure honest, certain representation of the will of the constituency

*Continued on next page**Con—continued*HON. WILLIAM L. HUGGINS  
*Former Presiding Judge, Kansas Court of  
Industrial Relations*

THE PRIMARY election method of choosing candidates for public office was adopted because of the abuses of the old convention method. The political convention became obnoxious because it ceased to be representative. There was practically no legal safeguard thrown around the method of electing delegates to such conventions.

The revulsion of feeling against the convention system carried the country to the opposite extreme and caused the primary method to be adopted. The advocates of the primary system do not and did not claim that it is a representative system. The argument was put forth that by this means the people themselves, exercising their own good judgment and free will, choose their own candidates for public offices.

This argument has proven fallacious. The statement that by means of the primary system the people rule is very far from the truth as most intelligent people have come to understand.

Upon the primary ballot handed to the voter by the election clerk in my community, there is on an average somewhere around sixty or seventy-five names. From this long list the voter is expected to select intelligently his choice of a candidate for each of from twenty-five to thirty-five offices.

As a mere feat of memory the task imposed upon the average voter is tremendous. A man in the ordinary walks of life must carefully prepare, before he can take any primary ballot, go into the booth and in five minutes run over the card index of his memory and accurately determine in his own mind the candidates for whom he desires to vote.

The worst trouble, however, is that the average citizen is busy with his own affairs and has no time to investigate and no adequate means of ascertaining the character and general qualifications of the candidates for the long list of offices to be filled. What little he learns he must learn from hearsay, or from the handbills or other literature sent out by candidates or from the newspapers. To make a bad matter worse there is generally a tremendous volume of printed matter, mimeographed letters, candidates' cards, etc., sent through the mails or distributed by friends of the various candidates.

If the newspapers were all perfectly impartial and all strictly honest and all well informed, and if each newspaper would print and constantly reprint throughout the primary campaign the unbiased truth in regard to each of these numerous candidates, it would fill the paper to the exclusion of all other news and the voter would tire of reading it and throw it with all the other candidate literature into the wastepaper basket. Unfortunately, as known to every intelligent person, not all the newspapers are honest, fair and impartial.

Public sentiment is created and kept by those who have publicity or who can make some kind of deal with persons who do have publicity, so that it may be used in their favor. The voter who seriously tries to inform himself goes to the primary having heard or read one side only and votes his impressions, if he goes to the primary at all. Is it any wonder that a minority only frequent the primaries?

*Continued on next page*

*Pro*—continued

HON. JAMES A. FREAR—continued

and the record of performance of every official is more certain than promises and professions in advance. That record is subject to review and approval or rejection under the primary.

The primary is expensive to candidates, we are told. That is true if attempts are made to buy the electorate, but this is hazardous, rarely attempted, frequently disappointing, and an objectionable practice that should be discouraged by legal restrictions.

Bribery and corruption, scandals without number, accompanied the old caucus and convention system, made possible by centralized power lodged with the delegate and surrounded by temptations too strong to resist, whereas not one man or woman in a hundred can be purchased under the primary system. People may be temporarily misled, hoodwinked, and deceived at the primary election, but where all sides are compelled to play the game openly the public soon learns the truth because of Lincoln's truism that you cannot fool all the people all the time. If the old caucus and convention system is to return, the people will be called upon to accept old secret methods of persuasion, coercion, and manipulation at a time when human rights, moral, economic, educational, and social questions are overshadowing the tariff and the old-time issues. Under which system will the public's rights be preserved?

Party organization may not be as closely knit by the primary as under the caucus or convention system, and independence of action can more easily be rebuked under the caucus, yet independence is not an unmixed evil. Party responsibility is needed, but when special interests by powerful enough propaganda or manipulation seek to seize legislative reins through appeals to party organization, the only safeguard is through individual official responsibility that may be directly reviewed by constituents and not controlled by interests concerned.

All good or evil is not embodied in any one party, and with the great mass of State and National legislation not specially mentioned in party platforms men of all parties always may find common ground for agreement when framing laws.

Party organizations, party conventions, and party platforms are desirable, but protection of constitutional rights and laws affecting economic justice are of more vital importance. During recent sessions of Congress party divisions have been sought on the dye embargo, on nearly every tax bill, and on many other matters, indicating the purpose of powerful interests concerned to force an iron bound caucus rule, if possible, the handmaid of the caucus and convention system.

Constitutional amendments affecting income tax and woman's suffrage have been passed during the existence of the State-wide primary, and whatever difference in judgment may exist over constitutional provisions or legislation, the right to meet changing conditions with complete control by the people is maintained and preserved under the primary.

Woman's suffrage greatly enlarged the political power of women throughout the land. It was gained by them after many years of hard, strenuous battling for equal political rights. What will be their influence in the old-fashioned discredited caucus convention with its trickery, bribery, and notorious methods that were the subject of

*Continued on next page**Con*—continued

HON. WILLIAM A. HUGGINS—continued

Under the primary system organized blocs or groups, religious, economic, political or social, wield a power out of all proportion to their membership. This is because of the well known fact that a small but thoroughly organized body is more powerful than an unorganized mass of ten times its numerical strength. The bloc is not only thoroughly organized, but it is under the discipline of its leaders who know exactly what they want to do and how to reach their followers.

With the masses unorganized, undisciplined and undirected, a small organized bloc may have the "balance of power" necessary to carry a primary election. This often results because of the well known fact that the votes cast at primary elections are usually but a small percentage of the total voting population.

What is the matter with the primary laws? It seems to me the answer to that question is apparent. The primary system has applied within party lines the principles of pure democracy. In the choice of candidates for office the voters of a certain political party within a certain state, district, city or county act in a direct way. They have no representatives. They deal directly with the subject. It is the principle of the old New England town meeting or the pure democracy of the Swiss canton where every man is a judge, a juror, a witness, counsel in the case, a legislature and an executive, all at one and the same time.

But in a state-wide primary election millions of people are supposed to govern themselves. Pure democracy fails always where great numbers are involved. I very much doubt if there can be shown an instance in which pure democracy has succeeded in any state or municipality having more than a few hundred inhabitants. It is impossible.

It is idle to contend that the primary system for selecting candidates for important state or district offices can ever prove efficient. It is simply humanly impossible. The voters cannot devote the time and they cannot command the information necessary to intelligently inform themselves. It can't be done. Every intelligent voter who has participated and been interested in primary elections knows that it cannot be done.

The worst defect developed in the primary system, however, is that it has placed the dominating power in the hands of a few who control publicity or who are organized into blocs serving selfish interests. The masses of the voters are unorganized and helpless. As a result names have become mere labels to be used often to deceive the voters. There is no party responsibility and little party organization.

The chaotic condition which existed in the last Congress is chargeable more to the primary system of nomination than to all other causes combined. Ostensibly Congress had a Republican majority. As a matter of fact a few Senators and Representatives wearing the label of the Republican party but caring nothing for party principles or party honor combined with the Democrats with the results which are so well known.

Many of the friends of the primary system have given up defending it in its present form. They wish, however, to fight a return to the old convention system. They, therefore, suggest the short ballot. The proposition is to shorten the ballot by letting the people at the primaries

*Continued on next page*

**Pro**—continued

HON. JAMES A. FREAR—continued

charges and countercharges of fraud years ago when secret government was all-powerful?

Woman's influence in legislative matters has uniformly been thrown on the right side of moral, educational, and social justice, and as regularly it is opposed by selfish money-making interests that are always active in the halls of legislation. A repeal of the direct primary will nullify the influence woman now has in the nomination of candidate—a right more important than the right to vote at elections when secret powers dictate bipartisan nominations.

The issue is sharply drawn in many States and a secret campaign is being waged throughout the country to select candidates for legislative office pledged to destroy the primary law and to destroy the direct power that now rests in the hands of the people. That direct power will be taken away under the caucus convention system and we will then surrender to a more powerful and unscrupulous political master than the railways of old.

The danger throughout the country that the direct primary will be repealed is real and certain. It has occurred in several States and the law has been weakened in others. Its repeal has been urged by men in high places who believe in the old-fashioned system. Its repeal has been demanded by powerful interests that find in it an obstacle to their plans and purposes. Many reputable men will be swayed by superficial arguments to return to the old discredited system once repudiated throughout the land, but the people who recognize control of government is drifting far from the promises and purposes set forth in the Constitution; who hope and believe in popular government and in the preservation of human rights guaranteed by that same Constitution; who find selfishness and greed on the one hand and bitter, impotent resentment on the other to be great conflicting elements today in the body politic; who realize that progressive laws for the betterment of men and women secured in the past have been made possible under the primary; to all these people the danger will be manifest of turning over the reins of government to bipartisan powerful business and political interests that demand absolute control through a repeal of the primary. I submit that the question commands the serious consideration of every citizen.—*Extracts, see 11, p. 287.*

EDITORIAL, WASHINGTON NEWS—continued from p. 276 the defeat of Senator Stanfield by Frederick Steiwer, the preservation of the primary law was part of the issue. Politicians of both parties had about concluded that the time had come to again make a drive to repeal the primary act. Steiwer was pretty well committed to this plan and it was believed that Stanfield was of much the same mind. In furtherance of the drive several county conventions were held, three Republican and two Democratic. But a third candidate appeared in the field in the person of Alfred E. Clark, who openly charged a deal between the old parties to abolish the primary. Clark offered himself as the candidate pledged to preserve the primary.

This produced a lively discussion. The Republican and Democratic candidates were called upon to define their attitude toward the primary. They took to cover and all declared for the primary. At the same time the calling

*Continued on page 284*

**Con**—continued

HON. WILLIAM F. HUGGINS—continued

nominate the United States Senator, the Governor, the Attorney General, the Secretary of State, and let all of the other officers be appointed by one or more of these officers. It is claimed in support of this proposition that if but few officers were to be nominated the people would have an opportunity to inform themselves as to the qualifications of the candidates. This is a doubtful proposition.

The worst objection is that the short ballot would be a long step toward the creation of a bureaucracy. Bureaucracy is as far from democracy as monarchy itself. As a form of government it is little less obnoxious than monarchy.—*Extracts, see 19, p. 287.*

CHARLES R. LANE

Attorney, Fort Wayne, Indiana

THE GOVERNMENT of any republic must be accomplished through political parties. Parties deal with policies of government—hence their use of the descriptive word Political. It is natural and essential, to be effective, that they be well organized and devoted to well recognized principles.

It is absolutely essential to understand the difference between elections to nominate candidates and elections to endorse such principles of action as parties stand for.

Measures embody principles or policies by which the sovereign voter determines his party and his candidates for office. Principles and policies can be stated and studied and comprehended by the voters. They give substance to political parties and become guide lines to the voters. They can be held up to the light of history and weighed by conscience. The November election is the act of sovereign citizens upon the principles and policies involved—the men elected being merely incidental and transiently in office. Their little brief authority will soon pass away.

But the so-called primary election for the nomination of candidates for the November election, is for men only and a man seeking office may not be as worthy of a citizen's confidence as his smile is meant to show. Smiles, so natural in seeking votes, may mask faults to the multitude who have only one chance for choice and rarely is the candidate more than a name to nine out of ten of the minority of voters who leave business or work long enough to go to the booth to cast their votes.

On the other hand, it is the business of the delegates constituting the convention of delegates who constitute a specially selected committee of citizens of one party to know the character of the candidates before them. They have opportunity and can take the time to study the men seeking their votes and nominations. Can anybody deny that when the candidates must pass repeated inspections of one ballot after another till the winner gets the needed majority of all votes in the convention, the chances of mistakes are far less than when members of the party have but one chance of choice and then vote with less opportunity for personal knowledge of the men they must vote for? Who, that thinks, would believe that a winner of a nomination by mere plurality vote of great masses of people to whom the man is only a name, would be the best man for the office, except by chance?

The nominee by the primary system admits no party responsibility—as soon as he wins. He considers himself

*Continued on page 284*



## Recent Government Publications of General Interest

The following publications issued by various departments of the Government may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D. C.

### AGRICULTURE

"Agricultural Investigations at the United States Field Station, Sacaton, Ariz., 1922, 1923, and 1924"; by C. J. King, and A. R. Leding. (Department of Agriculture Circular No. 372.) Price, 20 cents. Introduction, agricultural conditions among the Pima Indians, cotton problems of the Salt River Valley, climatic conditions, soil-improvement experiments, cotton experiments, other field crops, fruit crops, ornamental trees and shrubs, and nursery operations at the seed farm.

"Agricultural Survey of Europe: Germany"; by Louis G. Michael. (Department of Agriculture Bulletin No. 1399.) Price, 20 cents. A survey of German agriculture, livestock industry, and German market for American agricultural products.

"Agricultural Survey of South America: Argentina and Paraguay"; by Leon M. Estabrook. (Department of Agriculture Bulletin No. 1409.) Price, 20 cents. Topography, natural regions, climate, soils, animal life, etc., of Argentina, and geography and climate, land suitable for agriculture, livestock, prices of agricultural products, etc., of Paraguay.

"Agriculture Yearbook, 1925." (Department of Agriculture.) Price, \$1.50. The year in agriculture, the Secretary's report to the President, fruits and vegetables relation of the fruit and vegetable industry to other farm enterprises, etc.

"United States Census of Agriculture: 1925, Florida, Statistics by Counties, Final Figures." Price, 10 cents. State tables, county tables, and notes regarding changes in county boundaries.

"United States Census of Agriculture, 1925, Wyoming, Statistics by Counties, Final Figures." Price, 5 cents. Introduction, State tables, county tables, with notes regarding changes in county boundaries, and map.

### APPLES

"The Ripening, Storage, and Handling of Apples"; by J. R. Magness and others. (Department of Agriculture Bulletin 1406.) Price, 20 cents. Studies of ripening of apples, ripening of apples in storage as influenced by temperature, handling of apples for storage, and literature cited.

### ARMY DIRECTORY

"Army List and Directory, July 1, 1926." Price, 30 cents. Abbreviations, army corp areas and departments, stations and post office addresses of organizations, disciplinary barracks, general hospitals, etc.

### BUDGETS

"Budgets of European Countries: Part I, Western and Northern Europe"; by Clayton Lane. (Trade Information Bulletin No. 411.) Price, 10 cents. The budget defined, postwar budgetary practices, reparations and European budgets, and recent tendencies, etc.

"Budgets of European Countries: Part II, Central and Eastern Europe"; by Clayton Lane. (Trade Information Bulletin No. 413.) Price, 10 cents. Postwar budgetary practices, summary of budgets, expenditures, and revenues, etc.

### BUSINESS STUDY

"Farmers' Cooperative Business Study"; by A. V. Swarthout. (Department of Agriculture Circular 397.) Price, 10 cents. Purpose of this study, features of the association, Mississippi Delta, warehousing, price and sales policy, etc.

### COLD STORAGE

"Cold-Storage Holdings, year ended December, 1925, with Comparable Data for Earlier Years." (Statistical Bulletin 13.) Price, 10 cents. Introduction, refrigerated space, cold-storage holdings, with index.

### CANNING

"Canning Fruits and Vegetables at Home"; by Louise Stanley. (Farmers' Bulletin No. 1471.) Price, 5 cents. Causes of food spoilage, times and temperatures required for destroying bacteria, types of home canners, containers, methods of canning, steps in canning, time-table for canning fruits, tomatoes, etc.

### CENSUS

"Financial Statistics of States, 1924." Price, 20 cents. Description of general tables, and diagrams.

### CLAIMS ARBITRATION

"American and British Claims Arbitration, under the Special Agreement Concluded between the United States and Great Britain, August 18, 1910"; by Fred K. Nielsen. Price, \$1.50. Communication from the American agent to the Secretary of State, special agreement for the submission to arbitration of pecuniary claims outstanding, between the United States and Great Britain, concluded August 18, 1910, rules of procedure, etc.

### COOPERATION

"Cooperative Livestock Shipping Associations." (Farmers' Bulletin 1502.) Price, 5 cents. Reasons for cooperative shipping, origin and extent of movement, advantages of shipping associations, form of organization and incorporation, the manager, duties of members, marketing, expenses, etc.

"Management Problems of Cooperative Associations Marketing Fruits and Vegetables"; by A. W. McKay, and W. J. Kuhrt. (Department of Agriculture Bulletin 1414.) Price, 10 cents. Problems of fruit and vegetable associations, other organization and management problems, marketing agencies and methods, and relation of production to cooperative marketing.

### COMMISSIONER OF PATENTS

"Decisions of the Commissioner of Patents and of the United States Courts in Patent and Trade-Mark and Copyright Cases." Compiled from vols. 330-341, inclusive, of the Official Gazette of the United States Patent Office during the year, 1925. Price, 75 cents.

### COTTON FUTURES

"Cotton Futures Act with Amendments and Laws relating to Cotton;" compiled by Elmer A. Lewis. Price, 5 cents.

### DEPARTMENT OF STATE

"Register of Department of State, January 1, 1926." Price, 75 cents. Secretaries of State, Counselors for the Department of State, Undersecretaries of State, Assistant Secretaries of State, etc.

### DEPENDENT AND DELINQUENT CHILDREN

"Dependent and Delinquent Children in Georgia, Study of the Prevalence and Treatment of Child Dependency and Delinquency in Thirty Counties with Special Reference to Legal Protection Needed." (Children's Bureau Publication 161.) Price, 15 cents. Letter of transmittal, introduction, legal protection of dependent, neglected, and delinquent in Georgia, etc.

### DOGS

"Breeds of Dogs;" by S. R. Speelman and J. O. Williams. (Farmers' Bulletin 1491.) Price, 5 cents. Airedale Terrier, Beagle, Boston Terrier, Brussels, Griffon, Bulldogs, Bull Terrier, Cairn Terrier, Chow Chow, Collie, etc.

### ELECTRICAL EQUIPMENT AND LINES

"Safety Rules for the Operation of Electrical Equipment and lines, Comprising part 4 of the Fourth Edition National Electric Safety Code, July 15, 1926." (Standards Bureau Handbook Series 8.) Price, 15 cents. Definitions, scope and application, supply systems, communication systems, etc.

### EXPERIMENT STATIONS

"General Index to Experiment Station Record, volumes 26-40, 1912-1919;" prepared by Martha C. Gundlach. (Department of Agriculture.) Price, 75 cents.

### FAMILY ALLOWANCES

"Family Allowances in Foreign Countries"; by Mary T. Waggaman. (Labor Bureau Bulletin No. 401.) Price, 30 cents. Introduction and summary, scope of survey, beginning of the movement for family allowances, extent of family-allowance movement, different kinds of family allowances, etc.

### FAMILY BUDGET

"Planning Your Family Expenditures;" by Chase G. Woodhouse. (Miscellaneous Circular No. 68.) Price, 5 cents. What is a budget, where can you get a budget, how to make a budget or a spending plan, what is your income, etc.



## FATS AND OILS

"Animal and Vegetable Fats and Oils, Production, Consumption, Imports, Exports and Stocks by Quarters, Calendar Years 1924 and 1925;" by Wm. L. Austin and H. J. Zimmerman. (Bureau of Census, Department of Commerce.) Price, 5 cents.

## FEDERAL TRADE COMMISSION

"Federal Trade Commission Decisions, Vol. 7, Findings and Orders of the Federal Trade Commission, November 5, 1923, to July 20, 1924." Price, \$1.75. Members of the commission, table of cases reported, cases in which orders to cease and desist have been entered, etc.

## FERTILIZER

"Cocoa By-Products and their Utilization as Fertilizer materials;" by G. P. Walton and R. F. Gardiner. (Department of Agriculture Bulletin No. 1413.) Price, 10 cents. Introduction, cacao bean and its products, by-product cocoa press cake and powder, solvent-extracted or defatted cocoa residue, etc.

## FOREIGN MARKETS

"Analyzing Foreign Machinery Markets Statistically." (Bureau of Foreign and Domestic Commerce.) Price, 15 cents. National Machine Tool Builders' Association, suggestions to exporters, value of exports, country of destination, general classes, shipment of parts of large units, etc.

"Marketing and Competition in the Scandinavian Countries;" by F. A. M. Alfsen. (Trade Information Bulletin No. 428.) Price, 10 cents. General remarks, customs tariffs, resources, harbors, shipping facilities, and transportation, shipping practices and sales terms, etc.

"Marketing and Competition in the Scandinavian Countries;" by F. A. M. Alfsen. (Trade Information Bulletin No. 428.) Price, 10 cents. General remarks, standards of living, customs tariffs, resources, grain production, etc.

"World Markets for Cutlery. Based on a Study of Official Trade Statistics of Foreign Countries, Supplemented by Information from American Oversea Representatives;" by G. E. Phoebeus. (Trade Information Bulletin No. 415.) Price, 10 cents. General Survey of the various countries.

## FOREIGN TRADE

"Markets of the Dutch West Indies;" by H. P. Macgowan. (Trade Information Bulletin No. 405.) Price, 10 cents. Location, area, and population, administration, finance, foreign trade of the colony, and communications, etc.

"Philippine Trade Financing and Exchange;" by Edwin B. George. (Trade Information Bulletin No. 419.) Price, 10 cents. Philippine foreign trade, denomination of exchange rates, financing Philippine export trade, and financing Philippine import trade, etc.

"Philippine Trade Financing and Exchange;" by Edwin B. George. (Trade Information Bulletin No. 419.) Price, 10 cents. Philippine trade financing and exchange, foreign trade, denomination of exchange rates, etc.

"Resources and Trade of the Philippine Islands;" by M. A. Pugh. (Trade Information Bulletin No. 410.) Price, 10 cents. The physical features, climate and health conditions, languages, education, agriculture, and forest resources, etc.

"The Uruguayan Market;" by William F. Read. (Trade Information Bulletin No. 403.) Price, 10 cents. Location, area and topography, climate, population, immigration, education and literacy, predominant employments, resources of the country, etc.

"Trends in Japan's Trade;" by Halleck A. Butts. (Trade Information Bulletin No. 389.) Price, 10 cents. Trade changes, export trade, import trade, imports and exports of foodstuffs, and directions of trade, etc.

"United States Trade with Latin America in 1925: Part I, Northern Latin America;" by J. R. McKey and H. S. Giusta. (Trade Information Bulletin No. 418.) Price, 10 cents. Foreword, trade of regions, exports of Latin America, imports from Latin America, northern Latin America, Mexico, Central America, British West Indies, etc.

"United States Trade with Latin America in 1925: Part II, Southern Latin America;" by J. R. McKey and H. S. Giusta. (Trade Information Bulletin No. 420.) Price, 10 cents. Total trade, trade by regions and countries, imports from Latin America, Southern Latin America, etc.

"United States Trade with the British Empire in Hides, Skins, and Leather;" by J. Schnitzer. (Trade Information Bulletin No. 422.) Price, 10 cents. Trade with empire as a whole, hides and skins, leather, British Isles, United States imports, etc.

## FORESTS AND FORESTRY

"State Forestry Laws of 1922 and 1923;" by Jeannie S. Peyton. (Department Circular No. 359.) Price, 10 cents. Review of State forestry legislation of 1922 and 1923, classified tabulation of laws, summary of important provisions of laws, etc.

## GAME LAWS

"Game Laws for the Season 1926-27, a Summary of the Provisions of Federal, State and Provincial Statutes;" by Talbott Denmead and Frank L. Earnshaw. (Farmers' Bulletin No. 1505.) Price, 5 cents. Federal protection of game, review of legislation of 1926, Federal laws relating to migratory birds, summary of laws relating to seasons' licenses, limits, possession, interstate transportation, and sale, imported game and game raised in captivity, etc.

## HOGS

"Practical Hog Houses;" by E. Z. Russell. (Farmers' Bulletin No. 1487.) Price, 5 cents. Proper shelter necessary for hogs, sunlight and ventilation essential, farrowing houses, central farrowing house, box-type house, A-type house, general hog shelter, etc.

## HAWAII

"The Ports of the Territory of Hawaii;" (Port Series No. 17.) Price, 40 cents. General description of Hawaiian Islands, port and harbor conditions, port customs and regulations, port services and charges, fuel and supplies, port and harbor facilities, communications, etc.

## HIGHER INSTITUTIONS

"Accredited Higher Institutions;" compiled by Ella B. Ratcliffe. (Education Bureau Bulletin No. 10, 1926.) Price, 15 cents. Letter of transmittal, preface, purposes and procedure of accrediting agencies, etc.

## HOME ECONOMICS

"A Guide to Good Meals for the Junior Homemaker;" by Ruth Van Deman and Caroline L. Hunt. (Miscellaneous Circular No. 49.) Price, 5 cents. How food supplies body needs, the five food groups, the day's meals, and food facts to remember, etc.

## HOME LAUNDERING

"Methods and Equipment for Home Laundering." (Farmers' Bulletin No. 1497.) Price, 5 cents. Covers the laundry room, equipment, laundry supplies, method of laundering, and preparing clothes for the laundry.

## INTERNAL REVENUE

"Treasury Decisions Under Internal Revenue Laws of the United States, Vol. 27, January-December, 1925." Price, \$1.50. Treasury Decisions numbered 3659 to 3800, inclusive, and embraces regulations and rulings of the Treasury Department made during the calendar year ended December 31, 1925.

## INTERSTATE COMMERCE COMMISSION

"Interstate Commerce Commission Reports, Vol. 97, Decisions of the Interstate Commerce Commission of the United States (Valuation Reports), February-July, 1925." Price, \$2.25. Members of the commission, tables of cases, table of cases cited, opinions of the commission, and index digest.

"Interstate Commerce Commission Reports, Vol. 99, Decisions of the Interstate Commerce Commission of the United States, April-October, 1925." Price, \$2.25. Members of the commission, table of cases reported, table of cases cited, opinions of the commission, etc., with index digest.

"Interstate Commerce Commission Reports, Vol. 100, Decisions of the Interstate Commerce Commission of the United States, May-July, 1925." Price, \$2.25. Members of the commission, table of cases reported, table of cases cited, opinions of the commission, etc., with index digest.

## LABOR OFFICIALS

"Proceedings of the Twelfth Annual Convention of the Association of Governmental Labor Officials of the United States and Canada, held at Salt Lake City, Utah, August 13-15, 1925." (Labor Bureau Bulletin No. 411.) Price, 25 cents. Officers, 1924-25, constitution, development of the Association of Governmental Labor Officials, etc.

## LATIN AMERICA

"Commercial Travelers' Guide to Latin America, revised edition, 1926;" by Ernst B. Filsinger. (Miscellaneous Series 89.) Price, \$1.25. General information for the salesman, detailed information for canvassing Latin America, appendices, and list of maps.

Continued next month

## The Supreme Court of the United States

EDITOR'S NOTE: This department of THE CONGRESSIONAL DIGEST began with Vol. 3, No. 1, and is devoted to a brief non-technical review of current decisions of the U. S. Supreme Court which are of general public interest. The June, 1923, number of THE CONGRESSIONAL DIGEST printed the provisions of the Constitution of the United States upon which the Judicial Branch of our Federal Government rests. This number contained an account of the U. S. Supreme Court and the system of inferior federal courts, the relation of the Judicial Branch to the Legislative and Executive Branches of the Federal Government, and the relation between the Federal Judiciary and the States. The U. S. Supreme Court, its present procedure and work, were also described.

THE OCTOBER, 1926 TERM

October, 1926-June, 1927

THE SUPREME COURT of the United States convened in annual session at 12 o'clock, October 4, 1926. This term of the Court will continue until June, 1927. The thirty-six weeks of the annual term are divided into nineteen weeks of argument and seventeen weeks of recess for the purpose of writing opinions. The first recess this year will be from November 1st to November 22d. The Court when in session meets every day except Saturday, from 12 to 4:30 p. m., to hear the cases. Decisions are usually rendered on Mondays.

The full membership of the Court was present for the opening of the new term as follows: Chief Justice William Howard Taft. Associate Justices: Mr. Holmes, Mr. Van Devanter, Mr. Reynolds, Mr. Brandeis, Mr. Sutherland, Mr. Butler, Mr. Sanford, and Mr. Stone.

On Monday, October 11th, the first decision day of this term, two decisions were rendered. The first decision referred to the case of *The State of Oklahoma vs. The State of Texas* involving a controversy over their common boundary. The second decision was on the *Chemical Foundation* case, involving alien property, and will be discussed in the November issue of the Digest which will deal with the Alien Property Question.

The law of February 13, 1925, which went into effect on May 13, 1925, greatly reduced the number of cases permitted to appeal to the Supreme Court. In the October, 1925, term following, there were altogether 1,309 cases on the docket, of which 27 were original and 1,282 appellate. Of these 858 were disposed of, 14 original, and

844 appellate. At the opening of the present term there were 451 cases left over, 13 original and 438 appellate.

There were 21 cases left over which had been argued, but which were still under the advisement of the court. These cases are: *Federal Trade Commission v. Claire Furnace Co.*; *Lois P. Myers v. United States*; *Charlotte Anita Whitney v. People of State of California*; *American Ry. Express Co. v. Commonwealth of Kentucky*; *American Railway Express v. F. S. Royster Guano Co.*; *Eastman Kodak Co. of New York v. Southern Photo Materials Co.*; *John J. McGram, Dep. Sergeant at Arms, United States Senate v. Moll S. Daugherty*; *Steamship "Willdomino" v. Citro Chemical Co. of America*; *"Willdomino" v. Charles Ffezert Co.*; *Luckenbach Steamship Co., Inc. v. United States*; *Southern Railway Co. v. Commonwealth of Kentucky*; *Andrew W. Mellon, Director General, v. Commonwealth of Kentucky*; *The I. T. S. Rubber Co. v. Essex Rubber Co.*; *John W. McCordle v. Indianapolis Water Co.*; *Road Improvement District No. 1 of Franklin County, Arkansas v. Missouri Pacific Railroad Co.*; *Charles E. Ruthenberg v. People of the State of Michigan*; *Samuel W. Lambert v. Edward C. Yellowley, as Acting Federal Prohibition Director et al*; *Harold B. Fiske v. State of Kansas*; *Wachovia Bank and Trust Co., Adm'r., v. R. A. Doughton, Commissioner of Revenue of the State of North Carolina*; *Louisa McNealy, Adm'x. of S. B. McNealy v. Mayor and Board of Aldermen of the Town of Vidalia*; *Mayor and Board of Aldermen of the town of Vidalia v. Louise McNealy, Adm'x. of S. B. McNealy.*

### Con—continued

OSCAR KING DAVIS—continued from page 270

The essential effect of the primary system, however, is to subvert and destroy the representative system, and to substitute direct action by the mass of the voters. It is perhaps a little more accurate to say that that would be the essential effect of the primary system if it functioned as many of us believe it would. Its failure to perform according to design, however, has revealed its inherent defects.

The traditional theory of our old political system was that the office should seek the man. But that theory broke down when the primary superseded the convention. For the primary is only a machine by which men who seek office may first seek the nomination. The primary does confer upon the individual a special opportunity in

seeking office. The only right it confers upon the people is that of choosing among the office seekers. The spirit and the letter of American political institutions were for representative government. The spirit and the letter of the primary system are for the promotion of demagogery and political cowardice. The primary is steadily sapping the spirit of independence which used to mark the actions of our representatives. It makes men who are elected to represent all the people truckle to every little superficial ripple of popular hysteria, to support what they know to be false because they think it to be popular.

The proved effect of the primary system is to diminish party loyalty, to weaken party government, and therefore to menace the institutions which we inherited from the founders.—*Extracts, see 18, p. 287.*

## The White House

**EDITOR'S NOTE:** In the October, 1925, number, *THE CONGRESSIONAL DIGEST* inaugurated a new department. This department will report each month the outstanding public matters which have had the attention of the President during the preceding month. Such public matters will include appointments made by the President, addresses delivered by the President, executive orders, and proclamations issued by the President, etc. In the January, 1924, number of *THE CONGRESSIONAL DIGEST*, the Hon. Wm. Tyler Page, Clerk of the House of Representatives, U. S. Congress, fully described the position of the Executive under the Constitution. The July-August, 1924, number of *THE CONGRESSIONAL DIGEST* was devoted to a detailed account of the early and present system of election of the President, together with an article on the Powers and Duties of the President under the Constitution.

### The President's Calendar

*For the Period September 26, 1926, to October 19, 1926*

#### Executive Orders

September 28—An executive order reserving for town-site purposes land described under Sec. 2380 U. S. Revised Statutes, to be disposed of later as may be directed.

October 2—An executive order to create the customs station of Sitka, Alaska, a port of entry in customs collection district No. 31 (Alaska) with headquarters at Juneau, Alaska.

October 2—An executive order changing the name of the port of Tia Juana, California, in customs collection district No. 27 (Los Angeles) with headquarters at Los Angeles, California, to San Ysidro, California.

October 2—An executive order reserving certain lands in and on either side of the Mississippi River between Rock Island, Illinois, and Wabash, Minnesota, for Upper Mississippi Wild Life and Fish Refuge.

October 5—An executive order authorizing the appointment as clerk or typist, U. S. Naval Academy, of Mrs. T. R. Egbert.

October 11—An executive order authorizing the appointment as stenographer and typist in the 11th Naval District, San Diego, California, of Mrs. Rebecca Glascock.

October 14—An executive order withdrawing approximately 11,114 acres, pending determination as to advisability of including such lands in the Superior National Forest, Minnesota.

October 18—An executive order revoking executive order of May 8, 1925, No. 4220, as to such lands as were not included in the Whitman National Forest, Oregon.

October 18—An executive order amending order of June 19, 1924, Civil Service Amendments, as to promotion and retention of offices and reinstatements.

#### Proclamations

October 2—A proclamation of arbitration convention between the United States and Liberia, concluded at Monrovia, February 10, 1926, signed by the President October 2d, referred to State Department October 4th, 1926.

October 4—A proclamation of treaty of friendship, commerce and consular rights between the United States and

Hungary, concluded at Washington, June 24, 1925, dated October 4, 1926.

October 14—A proclamation decreasing the duty on paint brush handles from 33 1-3 per cent to 16 2-3 per cent, ad valorem, signed and sent to the State Department, October 14, 1926.

#### Addresses

October 4, 1926—Address of President Coolidge at the Annual Convention of the American Red Cross, made at Washington, D. C.

October 15, 1926—Address of President Coolidge, extending greetings to the members of the International Oratorical Contest, at Washington, D. C.

#### Communication

October 14, 1926—Reply of President Coolidge to a message of admiration and friendship for the United States from the Polish Nation, presented by the chairman of the National Sesqui-Centennial Celebration Committee of American Independence Day in Poland.

#### Recess Appointment (Civilian)

October 7—Edward J. Rodriguez, to be Register of the Land Office at Baton Rouge, Louisiana.

October 14—R. K. Smith, to be a member of the United States Shipping Board, in place of J. H. Walsh, resigned.

October 9—The President appointed Eugene Meyer Managing Director of the War Finance Corporation; Andrew W. Mellon Secretary of the Treasury; William M. Jardine, Secretary of Agriculture; and Herbert Hoover, Secretary of Commerce, a committee to co-operate with those engaged in the production, marketing and use of cotton, to investigate the present market condition of cotton and render such assistance as can be given by the Government to the efforts already being made in the South through the financial institutions, co-operative organizations and Federal Intermediate Credit Banks and otherwise.

October 19—Albert C. Williams, Federal Farm Loan Commission, and George R. James, Federal Reserve Board, were added to the membership of the above committee.

### Con—continued

HON. CHARLES C. MOORE—continued from p. 271

"That 'union is strength' is a truth that has been known, illustrated, and declared in various ways and forms in all ages of the world. The great fabulist and philosopher, Aesop, illustrated it by his fable of the bundle of sticks; and He whose wisdom surpasses that of all philosophers has declared that 'a house divided against itself cannot

stand.' It is to induce our friends to act upon this important and universally acknowledged truth that we urge the adoption of the convention system."

So spoke Abraham Lincoln. Principles do not change, and I am content to stand with him.—*Extracts, see 9, p. 287.*



## *Direct Primary Legislation in the States—continued from page 260*

but petition candidates have their names entered on the primary ballot after the names of the convention candidates. In Minnesota, a delegate election is held on the second Tuesday of March of even-numbered years to elect delegates to a county convention. Each election district is entitled to one delegate and such additional delegates as it is entitled to on the basis of the voting strength. At least 15 days before the convention, persons who desire to be candidates for delegate file a declaration. Within 10 days after the delegate election, a county convention is held to elect delegates to a state convention and to a congressional district convention. The congressional district convention endorses district officers. The state convention endorses candidates for state office, United States senator, presidential electors and delegates at large to the national convention.

### *Open Primary*

Colorado seems to be the only state (at this time) having so-called open primary. All tickets are on one ballot. Any voter may vote one and only one ticket, and those tickets not voted are detached from the voted ticket and only the latter is deposited in the ballot box.

### *Local Committees*

In addition to the precinct, county congressional district and state committees, which are the usual and prevailing committees in the party organization, other local committees are either created by law or the creation of such committees is authorized. In Colorado, there may be ward and subdivision committees and if such are formed, they consist of the precinct committeemen and women resident therein. There are also judicial, senatorial and representative district committees which consist of the chairmen and vice-chairmen of the several counties composing such districts, together with the candidates for office resident therein.

### *No Opposition*

In the following states when there are just enough candidates for the office or offices to be filled, the candidate's name is printed on the general election ballot and no election is held; Florida, Indiana, Louisiana, Michigan, and Minnesota.

### *Pro—continued*

EDITORIAL, WASHINGTON NEWS—continued from p. 279 of county conventions was stopped. But when the ballots were counted it was found that Clark, not a regular candidate, and acting merely as champion of the primary, had polled 21,000 as against the 29,000 of Stanfield and the 39,000 of Steiwer.

Except for the issue of saving the primary act, the election went off on personal matters.

In the recent Oregon primary Ira L. Patterson was nominated for governor by the Republicans. He is pledged to maintain the primary, as is the present governor, Walter M. Pierce.

On the whole the Oregon experiment seems to prove that it is possible to have a primary where wholesale expenditures do not take place, and which so well expresses public opinion that the voters desire to protect the law against attacks by politicians and corruptionists—June 22, 1926.

### *Political Pamphlets*

Several states provide for the publication of pamphlets designed to afford information to the voter as to the character and political opinions of the several candidates. Provision is made for the distribution of these pamphlets so that every voter may obtain a copy. A fee is charged to each candidate to defray the cost of publication and distribution. These pamphlets contain the portraits of the candidates; a statement about the candidacy of any candidate or of his opponent.

### *Run-Off Primaries*

In several of the southern states, the laws provide for run-off primaries in which only the two candidates having the highest votes in the first primary participate. There may be one or more of these run-off primaries, depending on the event of the vote therein. Run-off primaries are held in Georgia, Louisiana, Mississippi, South Carolina, Tennessee and Texas.

### *County Unit Vote*

In Georgia, candidates for United States senator, governor, state offices, judges of Supreme Court and Court of Appeals who receive the highest popular vote in any county, are considered to have carried the county and are entitled to the full vote of the county on the county unit basis, which is two votes for each representative the county is entitled to, in the lower house of the legislature. Tying candidates divide the county unit vote. County unit votes are consolidated by the chairman and secretary of the state central committee of the party holding the primary and published, and the candidates who receive a majority of the county unit votes are declared to be the nominees by the state convention. If two candidates tie on county unit votes, the one receiving the highest popular vote is declared nominated. If no candidate for United States senator or governor receives a majority, a second primary is held in which the two high candidates only compete.—*Extracts, see 4, p. 287.*

### *Con—continued*

CHARLES R. LANE—continued from p. 279

a free agent. No convention being held, no party platform adopted, and the nomination coming to him, a mere plurality winner, he feels free to advocate any project that promotes his chances for re-election. The primary system permitted him to steal the livery of his party for election purposes and then to hang it in the closet until the next election time comes.

It is obvious also that nobody denies the primary has swelled the cost of political ambition out of all reason and right. In a western state in an election for governor, the five candidates made sworn statements as the law requires, that their primary campaign expenses ran from two to six times the entire salary of the four year term. Travel and advertising cannot be avoided and their costs have been multiplied a hundred times over the days of the convention system. The time is coming when no man worthy of the office will consent to spend from \$20,000 to \$10,000 for an office, and devote from six to eighteen months away from private business. With such necessity, all the honors of office and the ambition of public service fade away. None but a rascal determined to use the office for his own enrichment will seek the nomination.—*Extracts, see 24, p. 287.*

### "Corrupt Practice" Legislation—Federal and State—Continued from page 263

both primaries and final elections all candidates are limited to 15 per cent of one year's salary in each campaign.

**Ohio:** (Rev. Laws, 1910, secs. 3042-3055) In primaries Senators are limited to \$3,000 and Representatives to \$800.

**Oregon:** (Laws 1920, secs. 4113-4130) For primaries candidates are limited to 15 per cent, for elections to 10 per cent of one year's salary of office for which he is a candidate.

**Pennsylvania:** (Stat. 1920, secs. 9637-9656) No limitation on amounts.

**South Carolina:** (Criminal Code, 1912, sec. 363) Reports are required but no limitation is set on amounts.

**South Dakota:** (Amended Laws, 1921, c. 220) All candidates are limited to 50 per cent of one year's salary of office for which they are candidates in obtaining their election.

**Utah:** (Comp. Laws, 1917, secs. 2360-2406) Primaries and final elections shall not aggregate more than \$4,000 for United States Senator and \$2,000 for Representatives.

**Texas:** (Stat. 1920, Art. 3174) In primaries Senators are limited to \$10,000 and Representatives to \$2,500.

**Vermont:** (Gen. Laws, 1917, secs. 137) No limitation on amount.

**Virginia:** (Code 1919, secs. 232, 251) In primaries candidates are limited to 15 cents for every vote cast for the successful candidate of his party at last gubernatorial election. No limitation on election campaigns but reports are required.

**Washington:** (Pierce's Code, 1921, sec. 2251) No limitation on amount.

**West Virginia:** (Hogg's Code, 1918, supp. sec. 188) Candidates for Senate are limited to \$75 for each county in State in each of primary and final election campaigns. Representatives are limited to \$75 for each county in the district in each of primary and election campaigns.

**Wisconsin:** (Amended Laws, 1923, c. 249) Senators may not exceed \$7,500 and Representatives \$2,500 in either their primary or election campaigns.

**Wyoming:** (Comp. Stat. 1920, secs. 2736) In primaries and elections, each, candidates are limited to 20 per cent of one year's salary of the office for which they are candidates and no candidate is restricted to less than \$100 in each campaign.—*Extracts, see 6, p. 287.*

### The Presidential Primary Movement—Continued from page 258

demand is not in evidence and the ramifications of the problem make unanimity of opinion almost impossible. A discussion of a constitutional amendment giving Congress control over presidential nominations will lead inevitably to a discussion of the advisability of direct election, lengthening the term of office to six years, and prohibiting the reelection of a president. These problems naturally bring up the question of changing the date of the inauguration and providing that the President and the new members of Congress shall take their seats im-

mediately.\* Finally the whole question of the regulation of campaign expenditures will be brought into the discussion, and perhaps also the desirability of a uniform national primary act governing the choice of nominees for Congress as well as the presidency. The possible ramifications of the inquiry are almost infinite.—*Extracts, see 3, p. 287.*

\*The question of changing the date of inauguration and sessions of Congress was discussed in the September, 1926, number of The Congressional Digest.

### A Glossary of Political Terms—Continued from page 264

**Preference Primaries**—These laws permit the voters to express their preferences for the candidates indicating first and second choice.

**Presidential Primary**—The election laws of several states require that the delegates to national conventions shall be chosen in primary elections by popular vote. Many ballots under this system combine the names of the presidential candidates in order that the voters may express their preferences among them.

**Non-Partisan Primary**—An election in which the names on the ballot are printed without any party designations.

**Packed Primaries**—Packed primaries are party mass conventions attended by large numbers of persons who have secretly been rounded up by "heelers" in order to secure the defeat of a candidate generally desired by the majority of the voters.

**Nomination by Petition**—A system of nomination whereby any candidate may be put in nomination by filing with the proper officer a paper signed by a certain specified number of qualified voters.

**Crawford County System**—This is another name for the direct primary, so called because first tried in Crawford County, Pennsylvania.

#### Primary

**Primary**—Outside of New England it applies to party mass conventions called for the purpose of making local

nominations and of electing delegates to the party convention in larger divisions.

#### Slush Fund

**Slush Fund**—A campaign fund collected for the purpose of influencing public opinion by improper means. The term formerly designated money obtained by the British Navy in the sale of outworn campaign equipage and damaged ships of war. It gained great currency in the election campaign of 1920.

#### Voting

**Cumulative Voting**—A system of majority representation under which each voter is allowed to cast as many ballots for an office as there are places to be filled with the privilege of casting them all for one person or of distributing them among several candidates.

**Proportional Representation**—A system of voting which insures the minority party a representation in proportion to the votes cast.

**Registration**—The listing of all voters at some definite period to an election. The poll books are made up either by canvassers or by boards which sit at the polling places. Where the registration laws have been legally enforced, they have gone far toward eliminating frauds and insuring the purity of elections.

## Nominating Methods in American History

*Continued from page 256*

the Congressional caucus being adopted in imitation of the method in vogue in the States, it was generally, as in other matters of legislative procedure, just the other way; the Congressional caucus preceded in point of time that of the State legislature.

These legislative caucuses were joint caucuses of the party members of both branches of the legislature. Not infrequently prominent members of the party outside of the legislature were allowed to attend to take part in the proceedings, and it was not uncommon for the preliminary caucus to invite those towns or districts to the party holding the caucus, to elect delegates to attend the final nominating meetings. The nominations made by the Legislative caucus were usually ratified by district conventions and public meetings throughout the State, the ratification being in the form of an original nomination.

### *Decline of the Legislative Caucus, 1811-1835*

Opposition to the Legislative caucus method of nomination for State officers appears to have been contemporaneous with the opposition to the Congressional Caucus in national politics. The Legislative caucus system, however, appears to have possessed great vitality, and it was not until 1824, the year in which the Congressional caucus met its fate, that the last State Legislative caucus in New York was held. The experiment with the convention system appears to have found favor with the people, for in 1824 legislative caucuses of both the Democratic and Clintonian parties issued calls for State conventions to be held at Herkimer and Utica respectively.

### *Presidential Nominations by Public Meetings*

One of the most interesting features of the campaign of 1824 was the almost universal practice of obtaining the preferences of the people as to Presidential candidates at all sorts of public gatherings. All over the country mass meetings were held, at which a regular ballot was taken, just as at a regular election.

With the reorganization of political parties and the rapid growth of population, the utter inadequacy of any system of State nomination for national offices became readily apparent. A national party must have a national system of nomination, and the expedient of a convention naturally suggested itself. The reason why the national convention was not generally adopted in 1812, as well as the reason why its use did not immediately follow the abandonment of the Congressional caucus system in 1824, is probably to be found in the lack of efficient communication between different sections of the country. With the commencement of the great railway systems in the early thirties, this difficulty began to be removed, and the national convention took the place of the previous varied and unsatisfactory methods.

### *The Present System*

Nominations in the United States at the present time are, in most cases, made by conventions of the various political parties, composed of delegates chosen at caucuses or primaries of the party voters held in small districts. In the case of some of the minor offices, however, nominations are frequently made directly by the party voters in these primary meetings.

To this general rule, by which candidates for the more important offices, at least, are nominated by delegate conventions, there are several exceptions. In the first

place, there is the old English system, under which a person announces himself as a candidate for office. This is found in some parts of the South, and is occasionally met with at the North, particularly in the case of independent candidates. This custom, however, is to be distinguished from the familiar practice prevailing throughout the country of persons announcing themselves as candidates for the party nomination, the final selection being in the hands of the party voters at the primaries or at a convention.

Another system is that of direct primary election, under which the individual voter, instead of voting for delegates to a nominating convention, votes directly for the persons whom he desires to see made the candidates of his party for the various elective offices.

Finally, we have the system of nomination by "petition," or by "nomination paper," which has come in with the introduction of the Australian ballot system. Under this candidates may be put in nomination by filing with the proper officer a paper signed by a certain specified number of qualified voters.

Starting with the caucus or primary called for the purpose of nominating candidates for some of the minor offices, there is a gradual increase in the complexity of the organization and procedure, until we come to the national convention called for the purpose of nominating candidates for the Presidency and Vice-Presidency, the only two offices which all the voters of the country have a part in filling. Such an increased complexity, however, is the natural and inevitable result of the increased size and importance of the undertaking.

But, although at first sight apparently so complex, our present system of nomination is, in reality, comparatively simple. In theory it would be desirable that the party voters should come together in mass meeting and nominate their candidates for governor and other State offices. In practice this is impossible, and, accordingly, the party voters meet in caucuses or primary elections in the various cities and towns, and delegate persons to represent them in a State convention held for the purpose of nominating a State ticket, just as on election day they choose persons to represent them in the State legislature held for the purpose of making laws.

So in regard to the nomination of a candidate for the Presidency of the United States. Not only is it impossible for all the Republicans or all the Democrats of the country to assemble, even the party voters in each congressional district are too numerous to meet and elect delegates to represent them in a national convention. Since the voters cannot do this, they gather in their various cities and towns, and choose delegates to a congressional convention, which, in turn, chooses two delegates to the national convention. Thus for the great national contests we have a preliminary election in three degrees, as well as a final election in two degrees,—viz.: (1) the choice of delegates by the party voters; (2) the choice by these delegates of other delegates; and (3) the choice by these latter of candidates for President and Vice-President. All three of these steps, are rendered necessary by the size of the country and its large and rapidly increasing population.

The present system is the result of a gradual development and of long experience.—*Extracts, see 1, p. 287.*



*Sources from Which Material in This Number is Taken*

Articles for which no source is given have been specially prepared for this number of The Congressional Digest

- 1—"Nominations for Elective Office in the United States" by Frederick W. Dallinger: New York, Longmans, Green and Co., 1897.
- 2—"Primary Elections" by C. Edward Merriam: University of Chicago Press, 1909.
- 3—"The Presidential Primary" by Louise Overacker: New York, The MacMillan Co., 1926.
- 4—Charles Kettleborough: *Annals of American Academy of Political and Social Science*, March, 1923.
- 5—Editorial Research Reports, Washington, D. C., Sept. 11, 1926, by Richard Boeckel.
- 6—88th Congress, First Session, Hearings before Committee on Election of President, Vice-President, and Representatives in Congress on H. R. 3851.
- 7—Article in *Washington Star*, July 11, 1926.
- 8—Article in *Washington Star*, July 11, 1926.
- 9—Message of April 28, 1923, vetoing a state-wide Direct Primary Bill.
- 10—Article in *The Independent*, April 11, 1924.
- 11—*The Congressional Record*, May 10, 1922.
- 12—*The Washington Post*, October 10, 1926.
- 13—*The Congressional Record*, June 16, 1922.
- 14—Speech at Philadelphia, June 12, 1926.
- 15—Report of the Committee on a Uniform Primary Act for Federal officers to National Conference of Commissioners on Uniform State Laws, August 21-27, 1923.
- 16—*Omaha Bee*, April 23, 1924.
- 17—*Detroit Free Press*, January 21, 1924.
- 18—*Collier's*, March 29, 1924.
- 19—A series of articles on the Direct Primary, *The New York Commercial*, July 23-August 4, 1924.
- 20—*Nebraska Farm Journal*, August 15, 1922.
- 21—*Annals of the American Academy of Political and Social Science*, March, 1923.
- 22—*Locomotive Engineers Journal*, April, 1924.
- 23—*Locomotive Engineers Journal*, May, 1924.
- 24—*National Republic*, February, 1926.

*Statement of Ownership*

(Required by Act of Congress, August 24, 1912)

OF THE CONGRESSIONAL DIGEST, published monthly (except for months of July and August), at Washington, D. C., for October 1, 1926.

Before me, a Notary Public in and for the District of Columbia, City of Washington, personally appeared Alice Gram Robinson who, having been duly sworn according to law, depose and says she is the Editor, Publisher and Owner of THE CONGRESSIONAL DIGEST and that the following is, to the best of her knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in Section 443, Postal Laws and Regulations, to-wit:

1. That the name and address of the publisher, editor,

managing editor, and business manager is: Alice Gram Robinson, Munsey Building, Washington, D. C.

2. That the owner is: Alice Gram Robinson, Munsey Building, Washington, D. C.

3. That the known bondholders, mortgagees, and other security holders owning or holding one per cent or more of total amount of bonds, mortgages, or other securities are (if there are none, so state). None.

Alice Gram Robinson,

Signature of Editor, Publisher and Owner.

Sworn to and subscribed before me this first day of October, 1926.

JOSEPH STEARNS, Notary Public.

My commission expires March 18, 1928.

*Address your subscriptions to*

# THE CONGRESSIONAL DIGEST

Munsey Building

::

Washington, D. C.

*Published Monthly, except for July and August*

\$5.00 A YEAR

BACK NUMBERS 75c A COPY

30 CENTS A COPY



*Special Offer*  
In Connection with This Issue

---

*Four Important Numbers*

**The Congressional Digest**  
on  
**The President and Congress**  
and  
**Our Election System**

---

Sept., 1926—Proposals to Change Time of the Inauguration  
and Sessions of Congress

Aug., 1924—Nomination and Election of the President  
His Powers and Duties—The First Election  
Nominating Conventions—Electoral College

Nov., 1923—How a New Congress is Organized  
Officers—Committees—Procedure

Aug., 1922—History of Political Parties  
Party Organization in Congress

---

*Special Price for the Four Numbers, \$1.50*

---

Send Orders to  
**The Congressional Digest**  
Munsey Building      Washington, D. C.